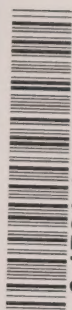


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# ENVIRONMENTAL ASSESSMENT BOARD

**VOLUME:** 385

**DATE:** Monday, June 1, 1992

**BEFORE:**

A. KOVEN Chairman

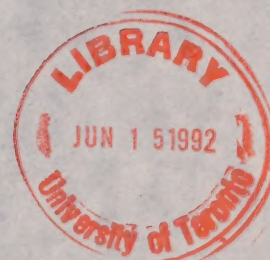
E. MARTEL Member

**FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249**

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# ENVIRONMENTAL ASSESSMENT BOARD

**VOLUME:** 385

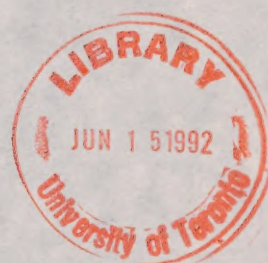
**DATE:** Monday, June 1, 1992

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A. KOVEN Chairman

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2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4







HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

-----

Hearing held at the offices at the Civic Square  
Council Chambers, Sudbury, Ontario, on Monday,  
June 1, 1992, commencing at 11:25 a.m.

-----

VOLUME 385

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member







A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY	)	
MR. B. CAMPBELL	)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE	)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
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MS. E. CRONK	)	LUMBER MANUFACTURERS'
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MR. D. HUNT	)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
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MR. R. BARNES	)	ASSOCIATION
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MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY







APPEARANCES (Cont'd):

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MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION







I N D E X   O F   P R O C E E D I N G S

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I N D E X   O F   E X H I B I T S

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1 ---Upon commencing at 11:25 a.m.

2 MADAM CHAIR: Good morning, Mr. Cassidy.

3 Good morning, Mr. Roll, nice to see you  
4 again.

5 MR. CASSIDY: Good morning, Madam Chair.

6 We are here to deal with the reply  
7 evidence of Mr. Bill Roll who was previously sworn, so  
8 I don't propose to go back and have him resworn.

9 I do propose at this time, however, to  
10 file his witness statement, copies of which have  
11 already been filed with the Board and with the parties.  
12 I undertake, if you do not have an extra copy, to  
13 provide one to the Board at a later date and if we  
14 could assign an exhibit number to it I would appreciate  
15 it, Madam Chair.

16 MADAM CHAIR: Thank you, Mr. Cassidy.

17 We have left our other books in Toronto.  
18 Does anyone know what exhibit number we have reached?

19 MR. PASCOE: I do.

20 MADAM CHAIR: Mr. Roll's evidence will  
21 become Exhibit 2245.

22 MR. CASSIDY: Thank you, Madam Chair.

23 ---EXHIBIT NO. 2245: Witness statement of  
24 William Roll.

25 MR. CASSIDY: The only other matter I

1 would like to file are answers to interrogatories which  
2 were filed by the Ministry of the Environment in  
3 relation to this witness statement and I have extra  
4 copies of those now, and I propose to make those the  
5 next exhibit, Madam Chair, which will be Exhibit 2246.

6 MADAM CHAIR: These are the interrogatory  
7 responses to...

8 MR. CASSIDY: The Ministry of the  
9 Environment.

10 MADAM CHAIR: All right.

11 ---EXHIBIT NO. 2246: Answers to interrogatories which  
12 were filed by the Ministry of the  
Environment.

13 MADAM CHAIR: Are you going to be  
14 referring to the OFAH's?

15 MR. CASSIDY: I did not receive  
16 interrogatories from the OFAH.

17 MADAM CHAIR: Oh, that was...

18 WILLIAM ROLL; Recalled.

19 MR. CASSIDY: If I might commence then,  
20 Madam Chair. I am directing my questions to Mr. Roll.  
21 He will be referring to an overhead in the course of  
22 the evidence, but we will mark it as an exhibit at the  
23 appropriate time. We have hard copy hand-outs for it.

24 DIRECT EXAMINATION BY MR. CASSIDY:

25 Q. Mr. Roll, I would like to take you



1 first to paragraph 3 of your witness statement and in  
2 that paragraph you refer to an evolutionary process.

3 You refer in paragraph 3 of your witness  
4 statement, which could be found on page 2, to an  
5 evolutionary process that takes place with respect to  
6 harvest systems and equipment. I am wondering if you  
7 could elaborate on that for the benefit of the Board?

8 A. Yes, I can. Madam Chair, Mr. Martel,  
9 there is a very rapid evolutionary process taking place  
10 in equipment, in equipment systems, equipment processes  
11 and techniques. This is particularly so in today's --  
12 with today's challenges to the industry with respect to  
13 productivity, costs, environmental matters and with  
14 respect to the changing technology, rapidly changing  
15 technology available that the scope of this change is,  
16 as I say in my witness statement, not in terms of  
17 decades but in terms of years and even months and I  
18 will give you some examples of that.

19 By way of illustration, though, CP Forest  
20 Products became involved through a company contractor  
21 with the Peterson Pacific full tree chipping in January  
22 of 1990. By this fall, this fall we are expecting the  
23 delivery of the third generation chipper with very  
24 significant changes through those two year's time --  
25 well, two and a half year's time to the chipper

1 technology itself as well as to the system that feeds  
2 it and works with it.

3 I also by way of illustration have  
4 changes to equipment systems. I have used the example  
5 of the Roto-Lim which is a delimbing device mounted on  
6 the front of a skidder. This particular piece of  
7 equipment was first seen by our people in northern  
8 Manitoba during 1991 and in February of 1992 we put it  
9 to use as part of our full tree chipping system.

10 It is now standard on our operations and  
11 we are now working to develop that piece of equipment.  
12 It looks like a relatively unsophisticated piece of  
13 equipment, but the actual development work is ongoing  
14 to make it work more efficiently and productively.

15 So these systems continue to evolve. The  
16 Roto-Lim itself gives us an example of a system that's  
17 changing so rapidly that it makes it difficult to  
18 define what you are dealing with in terms of the  
19 traditional conventional definitions of full tree and  
20 tree length harvesting.

21 What's full tree today may be something  
22 different tomorrow and some of the evidence -- in  
23 reading the transcripts, some of the evidence you heard  
24 dealt with that confusion over the definition.

25 The work about the evolutionary process



1       itself, it's I guess really driven by a concern to  
2       increase productivity, to increase efficiency of  
3       operations in all aspects of efficiency of operations.

4               What it does, though, is every  
5       advancement, every evolution that we deal with gives us  
6       an opportunity to look at all the other concerns in  
7       timber management, in forest management, environmental  
8       issues, quality issues, worker health and safety issues  
9       and those sorts of things, the window of opportunity  
10      opens up.

11             The example that I'm going to use as I go  
12      through the overhead particularly describing the system  
13      I will refer to it, but the Roto-Lim, the original  
14      purpose for this machine was that we were having  
15      problems with the quality in terms of the bark content  
16      of our chips. Our mill can't accept anymore than .8 to  
17      1 per cent bark in the content in the chips.

18             One of the things we looked at is a way  
19      of solving it, there are a whole number of other things  
20      we could have done technically with the machine itself,  
21      the chipper itself, but one of the opportunities we saw  
22      was using the Roto-Lim technology to take a few of the  
23      limbs off or most of the limbs off before the tree  
24      reached the chipper. That gave the debarking  
25      mechanism, the chain flails within the machine, the

1 chipper, more an of an opportunity to take bark off  
2 rather than dealing with these limbs. So we got a  
3 better quality chip.

4 At the same time, the spin-offs were that  
5 we recognize that we could also solve the problem of  
6 debris at roadside. We could leave that debris in the  
7 bush.

8 The other opportunity that it afforded  
9 us, we had been struggling with ways to produce  
10 sawlogs. We have to produce sawlogs under directives  
11 from the Ministry of Natural Resources, as well as  
12 under separate agreements we have with saw millers in  
13 northwestern Ontario in order to best utilize the  
14 resource we have.

15 The fact that most of the limbs were off  
16 of this material now before it received the roadside  
17 gave us an opportunity to deal with sawlogs, to produce  
18 sawlogs.

19 So just to repeat, while the evolution  
20 may be caused by a search for efficiency and  
21 productivity, there are other windows of opportunity  
22 that would have opened up.

23 The basic concern that I have with MOE  
24 term and condition No. 21(c) is that it attempts to  
25 stop the clock on this evolution. It stops at a point

1 in time and says: No from this date on, no more of a  
2 certain kind of activity. I guess this is impossible.  
3 Other jurisdictions are going to go ahead and develop  
4 the kinds of technologies that we are talking about and  
5 those are the jurisdictions that we are competing with  
6 in the marketplace.

7 As an illustration, even again during the  
8 evidence that was presented there were disputes about  
9 what was this, really full tree or was this a tree  
10 length operation. I think that as this evolution  
11 marches on you are going to see that terms and  
12 conditions such as that are very specific and not  
13 flexible will rapidly will become vague and obsolete.

14 It is attempting to regulate activities  
15 and processes and systems that are changing even as we  
16 speak and very rapidly.

17 The term and condition, I believe, will  
18 stifle innovation. No one will try to improve or adapt  
19 equipment or equipment systems or techniques given that  
20 any attempt to implement one of these changes will be  
21 challenged as to whether or not it meets the very  
22 specifics of the regulation or of the condition.

23 No flexibility built into it and I  
24 believe that innovation should be fostered and  
25 encouraged.



1                   Q. Mr. Roll, in paragraph 2 of your  
2                   witness statement you discuss the eight hectare  
3                   provision in the ministry's proposed term and condition  
4                   21(c) and you describe it as actually impractical.

5                   I am wondering if you could expand on  
6                   that and provide us with your comments on the  
7                   operational viability of that suggested eight hectare  
8                   provision.

9                   A. The idea that there would be  
10                  equipment in the ancillary equipment systems sitting  
11                  around at roadside to be applied on a land base of  
12                  eight hectares or less is absolutely impractical and  
13                  especially so in the boreal forest. So it has no  
14                  relation to practical reality of harvesting operations.

15                  I believe it also isn't -- has no  
16                  relationship to the ecological reality of the boreal  
17                  forest. I make note in my paragraph 2 about the fact  
18                  that in my opinion the large hot wild fires that have  
19                  burnt through northwestern Ontario or in northern  
20                  Ontario for the last 10,000 years didn't discriminate  
21                  on that kind of a size and we still have a full range  
22                  of healthy forests.

23                  The fact that this is used as a benchmark  
24                  in silvicultural mapping, for example, is irrelevant to  
25                  the operational part of this exercise of actually

1 having this equipment there and ready to go.

2 In paragraph 2 of my witness statement I  
3 do talk about specific concerns that I have, the  
4 practical concerns with such a rule.

5 Q. All right. Now, could you please  
6 describe for us -- I think you indicated that you had  
7 an overhead that would assist you in this.

8 Could you please describe for us your  
9 company's chipping operation?

10 At this point I propose to pass around  
11 hard copies of the overhead which Mr. Roll will be  
12 referring to, Madam Chair. It may be appropriate to  
13 enter this as the next exhibit since he will be  
14 referring to it and it is a one-page overhead. It  
15 would be Exhibit 2247.

16 MADAM CHAIR: That's right, Mr. Cassidy.  
17 What's the title of that?

18 THE WITNESS: It's Canadian Pacific  
19 Forest Products Full-Tree Chipping System, May 25,  
20 1992.

21 MADAM CHAIR: Thank you, Mr. Roll.

22 ---EXHIBIT NO. 2247: Hard copy of overhead entitled  
23 Canadian Pacific Forest Products  
24 Full-Tree Chipping System, May  
25 25, 1992.

MR. CASSIDY: The light in here isn't the

1 best so it may be difficult to see it, but the overhead  
2 hard copy should assist.

3 THE WITNESS: I have simplified the  
4 system here. Normally there is a number of pieces of  
5 equipment. For example, in our system we have two  
6 feller bunchers, perhaps three grapple skidders working  
7 with one chipper. I have simplified this just to  
8 illustrate the process.

9 The process starts with the feller  
10 buncher. The feller buncher fells these trees in the  
11 stand and sorts them or piles them into bunches. That  
12 sort, the operator is trained to do that sort and that  
13 sort is by species.

14 We have three different products that our  
15 mill produces. Hardwood craft and aspen goes in there  
16 so we have to sort out the aspen. A softwood craft and  
17 a jack pine goes in there and a newsprint mill and the  
18 spruce is sorted out into bunches for that. As well,  
19 as I mentioned previously, we have commitments to  
20 produce sawlogs and sawlog material. So a separate  
21 sort goes on for sawlog material.

22 MR. MARTEL: Mr. Roll, you said the  
23 softwood craft would be Pj.

24 THE WITNESS: Yes.

25 MR. MARTEL: What was the next one?



1                   THE WITNESS: It was newsprint and the  
2                   spruce.

3                   I might say customers are more and more  
4                   demanding about the quality of our products. This part  
5                   of our operation of quality of sorting is extremely  
6                   important.

7                   So we have a sort here into the three  
8                   species for pulpwood species and then another pile of  
9                   full trees that are sawlog potential material; that is,  
10                  they are either capable of producing sawlog type tree  
11                  length or cutting sawlogs out from within the full tree  
12                  material.

13                  From this point, the trees are skidded or  
14                  forwarded to roadside using grapple skidders. These  
15                  are large skidders, articulated skidders and they have  
16                  got a large (inaudible) in the back of the skidder that  
17                  graps whole bunches of these trees. The operators of  
18                  the feller buncher are trained to make the bunches of  
19                  trees the right size to carry with one of these  
20                  skidders.

21                  As the loaded skidder pulls away from the  
22                  edge of the -- the face of the cut an incoming grapple  
23                  skidder coming back for another load empty will, using  
24                  its blade, ride up on the back of his load. So he will  
25                  come back over the back of the load of the full tree,

1 look down his blade and on his blade is the Roto-Lim  
2 and I believe Exhibit 2219, this exhibit, shows the  
3 Roto-Lim attachment.

4 It's basically a bunch of blades mounted  
5 on horizontal shafts and as the skidder operator lowers  
6 the blade into the pile of trees, these small blades  
7 get down in among all the trees and branches and then  
8 as the skidder operator puts the skidder into reverse  
9 is strips the limbs from the load. It is not a hundred  
10 per cent effective, but somewhere between, depending on  
11 species and the season, 75 to 95 per cent effective in  
12 removing the limbs.

13 We have instructed our operators at this  
14 point to distribute those limbs evenly over the  
15 cut-over between the stump and the roadside.

16 This Roto-Lim, as I said, is the piece of  
17 equipment that originally this was done for quality  
18 purposes and now gives us limbs in the cut-over as well  
19 as sawlog potential.

20 The skidder pulling the bunch that is has  
21 now been tree limbed takes it to one of two piles.  
22 Normally now we are not producing the tree length  
23 sawlog product, but if it were necessary the operator  
24 would take that bunch of trees, skid it to a point on  
25 the roadside, we would then have to manually go in

1 there and top it and take the remaining limbs off.

2 What's mainly happening now is that the  
3 tree length or the -- I guess I'm having trouble with  
4 the terminology. I don't what to call this material,  
5 but the material that's been tree limbed ends up coming  
6 in beside the one-man slasher. At that point any log  
7 material that's in those will be slashed out and that  
8 can be -- right now we are doing eight-foot logs for  
9 stud material for our Hudson's saw mill and 12 and 16  
10 foot logs for other destinations are being slashed out  
11 of that. The remaining part of the tree is just then  
12 piled down again next to the chipper for in-feed into  
13 the chipper.

14 So that's our sawlog sorting capability  
15 now currently. That was just implemented in late  
16 spring, again as a result of the Roto-Lim giving us a  
17 product we could handle like that.

18 Q. Late spring of what year?

19 A. Late spring of 1992. Other bunchers  
20 containing just pulpwood would be skidded right in to  
21 beside the chipper in a location such as this.

22 The chipper itself is basically an  
23 amalgamation of three different kinds of equipment that  
24 are being used in different applications in the  
25 industry.



1                   The first is an overhead (inaudible)  
2   motor that is simply used to pick up the material in  
3   front of the chipper and feed it into the in-feeder.  
4   It is just to sort of load the chipper.

5                   The second part of the chipper is two  
6   resolving drums, flail drums, and these revolve at  
7   extremely high speed. Attached to them are lengths of  
8   chain. These pieces of chain -- and, again, there is a  
9   real very specific technology involved and a lot of  
10  work has gone in to developing chains that will do the  
11  job, but they are the things that take off the  
12  branches, the remaining branches and knock off the  
13  bark. The bark and debris falls down below that  
14  compartment and it is pushed out by a large hydraulic  
15  plunger off to the side of the machine.

16                  Now, the situation now really is a lot  
17  different. A lot less debris comes out of there as a  
18  result of the limbs being left in the cut-over, but  
19  there is debris that comes out in the landing in this  
20  location.

21                  The third part of the chipper is the  
22  chipper itself which is a large disk with some knives  
23  on it that cut very precise chips. Chips have to be  
24  very consistent in size because they are put through a  
25  chipping process and if there are any anomalies it will

1 make a quality product -- or a quality problem in our  
2 product.

3 So there is a lot of technical  
4 development going on right now in our third generation  
5 chipper to come out in the fall. It's going to be way  
6 ahead in terms of chipping quality in terms of the  
7 various models we have operating now.

8 Once the chips are made, because of the  
9 high speed of the chipper, the chipping disk, they are  
10 forced up a pipe and overhead loaded into a truck.

11 There has been a lot of development in  
12 the trucks and truck trailers to maximize loads. One  
13 of the steps that we took originally, this chipper  
14 loaded trucks from the back so that spout was going  
15 into a van and the truck had to maneuver around a lot.  
16 As a result we had to build fairly large landings to  
17 accommodate truck and chipper and so on.

18 As a result of this one innovation of an  
19 overhead loading spout we are now able to park the  
20 truck at the roadside and the chipper itself sits on a  
21 very roughly repaired pad of one dozer blade wide,  
22 about 12 feet wide and about 40 feet long and at about  
23 a 70 degree or so angle off the roadway. That's all  
24 the preparation that we need for skidways and for any  
25 activity on that site.

1                   MR. CASSIDY: Q. How does that affect  
2 the size of the landing?

3                   A. Oh, it has reduced the size of the  
4 landing. While there weren't any specific concerns  
5 about landing sites before, it has made it smaller.

6                   I guess the other thing is that because  
7 of the nature of the landings before they had to be  
8 constructed perhaps a little more durably because  
9 trucks had to maneuver over it and now they don't.

10                  I might add here too that just last week  
11 I was in our woodlands garage and some of the  
12 development people looking at the problem of debris at  
13 roadside are designing right now - it is just being  
14 fabricated - a little bin to sit off the side of the  
15 machine on this location where the bark is pushed out  
16 by the bark plunger. It is a bin, a portable bin, a  
17 steel bin that would sit around the discharge chute and  
18 when it got full the grapple skidders operating and  
19 skidding wood and so on, the Roto-Lim, would be able to  
20 grab the end of this thing with the grapple on their  
21 way out over the cut-over and continue to lift it and  
22 distribute the material across the cut so there is  
23 virtually no debris at roadside.

24                  As I say in the witness statement, there  
25 is the opportunity here to put that debris whatever you



1 want it.

2 Further to some questions regarding this  
3 system and utilization, I really have trouble. I don't  
4 understand the concern. Again, it is evolutionary.  
5 When we got into this full-tree chipping we thought we  
6 would be able to use smaller diameter stems.

7 Now with our experience and with the  
8 evolution over time of our quality standards, as of  
9 last week there is no difference in terms of butt  
10 diameter utilization between this system and our  
11 conventional systems.

12 The smaller trees have a higher bark to  
13 fiber ratio, you know, so it is sort of common sense  
14 that they are more of a problem for us in terms of  
15 quality.

16 Also, they hide among the larger trees  
17 during debarking and the other thing is because of  
18 their small diameter and the nature of a chipper it  
19 doesn't make a good quality chip.

20 So in terms of utilization it is  
21 virtually the same from both operations on the stand  
22 level. There are no fewer residuals left in the  
23 cut-over with this system.

24 Also, there had been some testimony  
25 in-chief about some concern about mixing chips of less

1       desirable species with those more desirable species and  
2       I can assure you this is untrue. In today's  
3       marketplace there is no opportunity for us to do those  
4       sorts of things. The marketplace is very demanding and  
5       our customers wouldn't settle for that.

6                   Q. All right. I would like to take you  
7       to the last paragraph of your witness statement and ask  
8       you if there are circumstance where you may not want to  
9       leave slash on the site that you are aware of?

10                  A. Yes, there are. During the  
11       development of the Roto-Lim our silviculturalists  
12       started to talk to us about what's this big concern  
13       about getting the limbs back on site.

14                  Their experience and their needs on  
15       certain sites is for a clean site. I have talked about  
16       two very site-specific situations in the witness  
17       statement at paragraph 5. There are a broad range of  
18       them and I think that this kind of decision should be  
19       made, whether or not limbs should be left on the  
20       cut-over or at roadside, should be made on site, site  
21       specific and with professional judgment.

22                  Q. Would the Industry then agree with  
23       the term and condition requiring that you also put  
24       slash back on the site with use of a Roto-Lim device or  
25       some other mechanism?

1                   A. I don't think it would be appropriate  
2 at all. The Industry would have problems with it.

3                   Personal and professional opinion, my  
4 own, is that nutrient depletion isn't a major problem  
5 in our forests even using full tree harvest.

6                   Saying that, I should say that I also do  
7 support research to prove that position or to find the  
8 fact. So that's one reason.

9                   As stated, too, there are some sites that  
10 our silviculturalists believe we don't want that slash  
11 on the site.

12                  I guess No. 3 is that such an order could  
13 lead to what I spoke about before, the possibility of  
14 putting up a hurdle to innovation and evolution.

15                  Q. All right. Finally, then, can you  
16 summarize your views on the MOE evidence and terms and  
17 conditions on full-tree harvesting and chipping?

18                  A. Yes. There are three main points  
19 that I have talked about.

20                  The first was the eight hectare rule  
21 proposed in MOE 21(c). I said that it's absolutely  
22 impractical from an operational point of view.

23                  The second point that I would like to  
24 make is that there are sites out there where it is very  
25 desirable to move the slash from the site, and further



1 that it is my person and professional opinion that the  
2 nutrient depletion issue isn't of great concern across  
3 the boreal forest.

4 I might point out there that in No. 2, in  
5 my paragraph 2, I talk about the relationship between  
6 harvest and large scale hot fire.

7 The third, and I believe most important  
8 in my evidence, is the description of the evolutionary  
9 nature of equipment and equipment systems and processes  
10 and the techniques we use with that equipment.

11 This evolution of systems and equipment  
12 will render any term and condition which attempts to  
13 regulate or stop them as obsolete and vague. As  
14 example of this I discussed Canadian Pacific Forest  
15 Product's experience with the Roto-Lim pre-limbing as  
16 an example.

17 MR. CASSIDY: Those are my questions.

18 MADAM CHAIR: Thank you very much, Mr.

19 Roll.

20 Mr. Lindgren, will you be cross-examining  
21 first?

22 MR. LINDGREN: Yes, Madam Chair, but I am  
23 wondering if it might be appropriate to have Mr.  
24 Freidin precede me given the nature of this evidence  
25 and given the relative position of the MNR on this

1 issue.

2 MR. FREIDIN: I have no problem. I have  
3 no questions.

4 MADAM CHAIR: Thank you, Mr. Freidin.

5 MR. LINDGREN: That solves that matter,  
6 Madam Chair. I do have a few brief questions.

7 CROSS-EXAMINATION BY MR. LINDGREN:

8 Q. Mr. Roll, could I ask you to turn to  
9 your answers to the MOE interrogatories and this was  
10 marked as Exhibit 2246.

11 On the last page in paragraph A you  
12 indicate that where you are using the Roto-Lim you are  
13 distributing the limbs in the cut-over and in paragraph  
14 C you say that the Roto-Lims are utilized in all areas  
15 harvested for processing through full-tree chippers.

16 I take it both of those paragraphs are  
17 referring specifically to CP operations?

18 A. Yes, they are.

19 Q. Okay. If I understand your evidence  
20 correctly you said you could use the Roto-Lim to remove  
21 the slash and put it basically anywhere you want on the  
22 cut-over or on the roadside or any place in between?

23 A. Yes. I would think there are some  
24 practical considerations in terms of efficiency where  
25 one would be more efficient than another, but generally

1       yes, that's true, we can put it where it is required.

2                   Q.   You also indicate at the present time  
3       CP operators have been instructed to distribute the  
4       slash or limbs between the roadside and the stump; is  
5       that correct?

6                   A.   Yes, that's correct.

7                   Q.   Why is that?

8                   A.   It was meant to address the issue of  
9       the piles of debris at roadside.

10                  Q.   What problem is that specifically?

11                  A.   It is a problem to our  
12       silviculturalists in what to do with it.  It's very  
13       dense material in that it's chopped up, it is hogged up  
14       by the -- and beaten by the chains and it is very hard  
15       to handle.

16                  Q.   So you have instructed the CP  
17       operators to distribute this material on the cut-over  
18       for what I might call silvicultural reasons?

19                  A.   I guess they could be termed partly  
20       silvicultural in that that pile of debris would be  
21       taking up a portion of the land base that we want to  
22       treat, yes.

23                  Q.   Let me step back and ask you one  
24       final and more general question.

25                  You have discussed the evolution of



1 harvesting equipment. You have called it very rapid,  
2 you have called it evolutionary and you have referred  
3 to the full-tree chipping, you have referred to the  
4 Roto-Lim, you have referred to the development of  
5 trucks and so forth which is all very interesting, but  
6 aside from high flotation tires it appears to us that  
7 there has been very little progress in site protection  
8 technology as opposed to harvesting technology, and my  
9 question is simply this, can you tell me why site  
10 protection technology has not kept pace with this rapid  
11 development in harvesting technology?

12 A. I guess, as I said, there come  
13 windows of opportunity and that goes along as  
14 technology changes or has changed over time.

15 The chipper, the application of the  
16 chipper is of major league. It is a quantum leap, but  
17 there have been other changes in technology through the  
18 years for site protection purposes having to do with  
19 hydraulic systems on equipment that make a less  
20 aggressive footprint.

21 They are hydraulic systems that are  
22 computer controlled to go to the wheel that has the  
23 traction sort of thing to prevent spitting and rutting  
24 and those kinds of things.

25 So there has been development over time,

1 but every once in a while these quantum leaps come.  
2 They are coming more rapidly now than ever with the  
3 kind of technologies that we are dealing with and they  
4 are borrowed technologies. We are looking elsewhere  
5 and That pressure comes from our industry's relative  
6 position in the global marketplace.

7 MR. LINDGREN: Thank you, Mr. Roll.

8 Thank you, Madam Chair. Those are my  
9 questions.

10 MADAM CHAIR: Thank you, Mr. Lindgren.

11 Ms. Gillespie?

12 MS. GILLESPIE: Madam Chair, in view of  
13 the hour would you wish to break now?

14 MADAM CHAIR: How long will you be in  
15 your questioning?

16 MS. GILLESPIE: I think we will be 45  
17 minutes.

18 MADAM CHAIR: Is it agreeable to all the  
19 parties to have our lunch break now and return for  
20 cross-examination by the Ministry of the Environment?

21 All right. We will be back at 1:30.

22 MR. FREIDIN: I assume then based on the  
23 estimate that I should tell my Panel 1 witnesses that  
24 we will start around 2:30.

25 MADAM CHAIR: It sounds like it, Mr.

1 Freidin. Thank you:

2 ---Luncheon recess at 12:00 a.m.

3 ---On resuming at 1:30 p.m.

4 MADAM CHAIR: Good afternoon. Please be  
5 seated.

6 Are you ready to begin, Ms. Gillespie?

7 MS. GILLESPIE: Yes, thank you, Madam  
8 Chair.

9 CROSS-EXAMINATION BY MS. GILLESPIE:

10 Q. Mr. Roll, can you just clarify one  
11 point for me on your overhead, please. That's Exhibit  
12 2247. One thing that I wasn't clear about was what  
13 happens with the tops of the trees in that process.

14 Does the Roto-Lim in effect top the tree  
15 as well as delimb it?

16 A. There is some topping of the tree  
17 just by the breaking of the extreme tail at the very  
18 end of the tree, the top, as the skidder backs off the  
19 load.

20 In fact, some skidder operators now will  
21 turn their skidders fairly sharply as they reach the  
22 end of the load to do that, just to leave the very top  
23 back in the bush.

24 For the most part, though, what happens  
25 is that the end of the material will go right into the



1 chipper and where it doesn't get broken off during that  
2 process it will right into the chipper and be utilized  
3 right down to the diameter -- whatever diameter at  
4 which the chains will break it off in the flailing drum  
5 which is the head of the chipper.

6 Q. So part of the top would be removed  
7 by the Roto-Lim to the size that you would be chipping;  
8 is that fair enough?

9 A. Essentially, yes, that's right.

10 Q. And the result would be that that top  
11 would be left on the site?

12 A. Yes, that's right.

13 Q. As I understand your evidence, you  
14 are critical of the MOE term and condition 21(c) for  
15 the basically two reasons, as I heard your evidence.

16 The first is that in your view it  
17 dictates specific equipment to be utilized on specific  
18 a site; and the second is that you regard the eight  
19 hectare site in your view absolutely impractical; is  
20 that correct?

21 A. Essentially. It's not so much that  
22 it dictates the equipment, it dictates or limits  
23 equipment systems, equipment processes that could be  
24 used on the site.

25 MADAM CHAIR: Excuse me, Mr. Roll. I

1 think if you turn yours off, Ms. Gillespie, Mr. Roll's  
2 will come on. Let's try that.

3 THE WITNESS: Very good. That's the  
4 secret.

5 It is the systems, the limiting of the  
6 systems on a given site or in given stand types and so  
7 on that I am concerned with as well as the eight  
8 hectare -- the impracticality of the eight hectares in  
9 terms of changing equipment systems.

10 MS. GILLESPIE: Q. I don't know whether  
11 you are aware that the MOE witnesses explained during  
12 their evidence that the intent behind the proposed term  
13 and condition 21(c) was to limit possible nutrient  
14 depletion on shallow or very shallow sites by either  
15 leaving branches and tops on the site or returning them  
16 to the site.

17 Are you aware that that's what the  
18 intention behind that term and condition is?

19 A. Yes, I read the transcripts quite  
20 thoroughly and I saw that and understood that, but I  
21 guess I have a problem, as I stated, that the term and  
22 condition as written is very inflexible. It's very  
23 extremely specific and there is no room left, in my  
24 opinion, for on-site and professional judgment.

25 My fear is that it's probably open to

1 interpretation in terms of the people enforcing the  
2 regulation. You know, how much area over or under 12  
3 inches, those kind of things, as well it doesn't leave  
4 any flexibility to the practitioner given site specific  
5 needs or situation specific needs.

6 Q. I take it then that if the wording is  
7 amended to deal more with the intent of the term and  
8 condition than any specifics as to how it would be  
9 accomplished, that that would address to a large degree  
10 your concern about flexibility?

11 A. Yes, it would. I hadn't given any  
12 thought to what changes they may be, but certainly if  
13 we established an intent and left it to site -- to the  
14 professional practitioners on a site and situation  
15 specific decision-making process, yes, I would agree.

16 Q. And, in fact, from your evidence  
17 today the use of the Roto-Lim in conjunction with  
18 full-tree chipping is accomplishing the intent  
19 expressed behind term 21(c); that is, to a large extent  
20 the branches and the tops are left on the site; is that  
21 correct?

22 A. That's correct in this situation,  
23 but, again, Mr. Cassidy addressed it during my  
24 statement that I think it would be counter-productive  
25 here to require the use of the Roto-Lim and the



1 distribution of the slash on the site in those -- in  
2 situations that are very definitely set down in a rule  
3 book. We've heard the term before, the cookbook kind  
4 of approach.

5 Does that answer the question?

6 Q. I take it that you had agreed that if  
7 the term and condition could be reworded to address the  
8 intent behind it and leave the flexibility on the  
9 choice of systems that that's going to address your  
10 concerns and I was trying to point out that the  
11 practical reality of it is that what you are actually  
12 operating with does address the concerns at this point.

13 A. For us the concern that it has  
14 addressed is definitely a problem with what we do with  
15 the debris at the roadside.

16 I know that's something different than  
17 the direction of some of your evidence in your witness  
18 statement having to do with the issues of the nutrient  
19 depletion, but certainly from our view that's what we  
20 were addressing.

21 Q. That would be the intent behind the  
22 development and use of the Roto-Lim for your company  
23 with addressing the product quality concern and debris  
24 problem?

25 A. Yes. As I stated, the initial issue

1 was one of quality and chip quality having to do with  
2 bark content and we could have addressed that in a  
3 whole number of different ways and we have looked at  
4 it, everything from the technology of the chipper  
5 itself, how the chipper is configured, where the handle  
6 is, how the knives strike, feed rollers in front,  
7 longer time in the parking chamber. There is a whole  
8 number of things we could have done.

9 This one thing that we did do with  
10 prelimbing allowed, as I say, the quality plus the  
11 limbs, plus the opportunity for sawlog production. So  
12 they kind of fit together, although the leader was the  
13 quality without doubt.

14 Q. So I take it you would agree, then,  
15 it is total coincidence that the equipment that you're  
16 using actually addresses the nutrient depletion concern  
17 raised by the Ministry of the Environment?

18 A. I don't think I would term it  
19 coincidence. It was in our minds when we saw the  
20 opportunity to put the limbs on site, to leave the  
21 limbs in the cut-over, but, again, I guess we support  
22 long term and short term research into that issue. I  
23 personally don't see it as a large issue in the boreal  
24 forest.

25 Q. So maybe I misunderstood your

1 evidence. I thought that nutrient depletion wasn't a  
2 factor in developing the Roto-Lim or using it.

3 Have you got -- are you changing your  
4 evidence on that point or did I misunderstand it?

5 A. No, not at all. It wasn't a direct  
6 factor, but what I'm saying is certainly we're aware,  
7 we have been aware of those arguments.

8 I have been, for example, involved in  
9 this environmental assessment since before it began in  
10 terms of looking at all the evidence and all the issues  
11 and so on and that plus my experience and education in  
12 forestry. So I was aware of the issue and it certainly  
13 was considered.

14 Q. But the development of what you call  
15 an innovated technique, being the Roto-Lim, was not in  
16 response to an environmental issue?

17 A. No, not directly.

18 MR. CASSIDY: If it is going to be an  
19 issue as to what is an environmental issue -- and Ms.  
20 Gillespie may be taking a very narrow definition of the  
21 environment which is not consistent with the  
22 Environmental Assessment Act. I don't want to  
23 interrupt, but I think we are into a situation where  
24 that's a matter that's going to be dealt with in  
25 argument. It is also a question as to the relevance of



1 the purpose at all.

2 MS. GILLESPIE: If Mr. Cassidy would be  
3 happier I can restrict the comment to a concern with  
4 nutrient depletion.

5 Q. Mr. Roll, would you agree that if  
6 there is no requirement to address a concern, such as  
7 nutrient depletion, that innovative equipment to  
8 address that concern might not be developed?

9 A. I'm not sure that I understand the  
10 question. Could you perhaps try again.

11 Q. Let me put it another way. Is it  
12 possible that a requirement which is addressing a  
13 concern, such as an environmental concern such as  
14 nutrient depletion, will actually encourage the  
15 innovation of technology designed to address that  
16 particular issue?

17 A. I don't know, again, that a straight  
18 term and condition that would restrict you from sort of  
19 hour one or, you know, on implementation you have to do  
20 things a certain way, I don't think that would. I  
21 think that would tend to stifle it.

22 In terms of bringing the issue to the  
23 forefront as something that we should potentially look  
24 at it in any decision making, yes, I would agree.

25 Q. Okay. If we go back to deal with the

1 type of term and condition that we discussed as an  
2 amended term and condition which dealt more with the  
3 intent than the method of achieving what was intended,  
4 you would agree that that could encourage innovation to  
5 address a particular issue?

6 A. Yes, it could.

7 Q. As I understood your evidence your  
8 current chipping operations use the Roto-Lim in part  
9 because this generation of chippers cannot produce an  
10 acceptable quality of product utilizing branches and  
11 small diameter trees. Would you agree with that?

12 A. Yes, that's right.

13 Q. You also emphasized in your evidence  
14 how rapidly the chippers have evolved. You mentioned  
15 that your evidence was qualified with respect to as of  
16 last week; is that correct?

17 A. Yes, that's right.

18 Q. It is possible, isn't it, that future  
19 innovations in chippers may well result in there being  
20 able to utilize branches, tops and small diameter  
21 trees? Would you agree with that?

22 A. It is a possibility, but as we see it  
23 now really unlikely. Whatever technology we have,  
24 there are existing guidelines and guides and codes of  
25 practice and so on.

1                   Certainly, you know, in terms of  
2                   utilization of forest stands we have to take the  
3                   broader view at the planning stage first to be able to  
4                   say whether or not we are going to harvest certain  
5                   areas.

6                   So in terms of small trees and stands of  
7                   small diameter, I think that any potential of -- if we  
8                   did the capability, any potential of using that  
9                   technology would have to be integrated at that planning  
10                  level to identify a mosaic -- the stands that would be  
11                  left to satisfy all those other guidelines and guides  
12                  and codes of practice and so on.

13                  Q.   So if I understand your answer you  
14                  agree that the technology may come, but that you would  
15                  limit its application on the basis of other sorts of  
16                  concerns?

17                  A.   Certainly, just as is happening now.  
18                  You know, we do have the capability now to go into a  
19                  broad range of areas, but certainly don't access every  
20                  stand.

21                  Q.   I understood from your evidence also  
22                  that your company is using Roto-Lims with all of its  
23                  full-tree chipping operations.

24                  Are there -- there may be other companies  
25                  who are not using that technology with full-tree



1       chippers; is that correct?

2                   A. There may not be at the moment. As I  
3 understand it, the companies that are looking at the  
4 full-tree chipping technology are currently also  
5 examining the use of prelimbing as a way to get their  
6 quality up and there are quite a number of firms who  
7 are very interested in the whole technology, the whole  
8 equipment system.

9                   Q. It is also my understanding that  
10 there is a variety of equipment which can accomplish  
11 delimbing on the site other than the Roto-Lim as well,  
12 is that your understanding?

13                   A. I expect you are referring to the use  
14 of single-grip harvesters and that type of equipment?

15                   Q. I am told that that's what I am  
16 referring to. Some of the brand names I understand are  
17 machines such as Timberline, the Denis, one of the John  
18 Deere models and one of the Pro Pac models?

19                   A. Yes, there are companies,  
20 particularly in eastern Canada, who use those pieces of  
21 equipment. Right now that I know of in northwestern  
22 Ontario, there is only one company using that sort of  
23 equipment on a limited basis, more or less a trial  
24 basis.

25                   The analyses that were done by our

1 company in moving into the full-tree chipping included  
2 a look at that kind of technology and it seems to have  
3 application in areas of generally smaller timber and  
4 even there there is great concern on productivity and  
5 efficiency and cost of those systems.

6 Q. So I take it for your area of  
7 operations you decided that the Roto-Lim is the most  
8 efficient way to achieve this, but that there is other  
9 equipment which may be considered by other companies to  
10 delimb on the site?

11 A. Yes, that's right.

12 Q. As well as a variety of different  
13 technologies available for delimbing at the site, I  
14 also understand that there would be a broad range of  
15 operational choices available which could accomplish  
16 leaving nutrients on the site in the form of branches  
17 and tops. Would you agree with that?

18 A. I don't know what kind of systems or  
19 whatever that you are referring to.

20 Q. Assuming that the delimbing on the  
21 site is one operational choice that accomplishes  
22 leaving branch and tops on a shallow or very shallow  
23 site, there are other operational choices such as a  
24 decision to use traditional harvest methods, a  
25 redistribution of slash or even bypassing a site which

1 would also accomplish the intent of leaving branches  
2 and tops on the site; would you agree with that?

3 A. Yes, those options are available.

4 Q. With respect to your second criticism  
5 of term and condition 21(c), you have referred to the  
6 eight hectare size "as being absolutely impractical."

7 I take it you would agree with me that  
8 term and condition 21(c) only applies to areas greater  
9 than eight hectares?

10 A. Yes, I understand that, but the eight  
11 hectare cut-off is definitely impractical.

12 Q. So that when we start talking about a  
13 figure like eight hectares it seems that suddenly  
14 everyone has eight hectares in their mind as the size  
15 that these shallow sites are going to be, but you will  
16 agree with me that that's simply a minimum referred to  
17 in the term and condition?

18 A. Because you refer to it in the term  
19 and condition, I can assure you that on the regulatory  
20 side that it will be become an issue and it is an  
21 impractical limit.

22 Q. But it is a minimum size?

23 A. (nodding affirmatively)

24 Q. To the extent that anything less than  
25 eight hectares can be operated on as usual?

1 A. Yes, I understand that.

2 Q. Would you agree, Mr. Roll, that in  
3 practice a shallow or very shallow site within the  
4 meaning of term and condition 21(c) could be the whole  
5 cut-over area of an operation or a significant portion  
6 of it?

7 A. I would think that there are areas in  
8 the boreal forest like that, yes.

9 Q. I take it, then, if that were the  
10 case your criticism as to the practicality of size  
11 would not apply?

12 A. If there has to be some practical  
13 area at which the sort of efficiency issues having to  
14 do with moving equipment in it has to be a fairly large  
15 percentage of your area, but putting numbers on it I'm  
16 not convinced is the way to go, putting an absolute  
17 number there.

18 Q. But if the shallow site is a  
19 significant part or the whole part of the cut-over,  
20 then you wouldn't be worried about the practicality of  
21 size because you make your decision on how to operate  
22 there based on that site type?

23 A. I guess in my experience -- and,  
24 first of all, I've got to reiterate that I don't know  
25 that the issue -- I'm not convinced that the issue of



1 nutrient depletion is a major concern in the boreal  
2 forest. So that's where I'm coming from, although I do  
3 say I think we have to do some more work on that.

4 I think that in the most -- in my  
5 experience, in most of the areas that you are talking  
6 about with very shallow soils that you would hit an  
7 operational merchantability limit saying that the  
8 timber is sort of too small to harvest before you would  
9 end up hitting -- you know, before it would be a major  
10 concern.

11 Q. If it's too small to harvest, then  
12 you address the concerns in 21(c) by leaving the wood  
13 standing; is that correct?

14 A. Obviously if it's too small to  
15 harvest, yes. What I'm saying is generally in those  
16 areas, in my experience, you will hit the  
17 merchantability limit before there is any -- well, you  
18 will hit the merchantability limit if those sites are  
19 as shallow as 21(c) suggests.

20 Q. If that's the case, you won't have to  
21 about 21(c) because you won't be operating there?

22 A. Yes, but you have just taken me from,  
23 you know, large numbers back down to the eight hectares  
24 that's mentioned in 21(c) and I can't agree to that.

25 Q. I was just following up on your

1 comment that if a significant portion of the operating  
2 area is a shallow site you don't believe that at this  
3 time and with this technology currently available it  
4 would make economic sense to harvest it, and my point  
5 is that if that's the case you don't need to worry  
6 about 21(c) restricting your operating decisions?

7 A. But I believe I do in terms of eight  
8 hectares and up, is what I'm saying.

9 Q. Mr. Roll, I understand that in the  
10 practical world it is unusual to run up against a  
11 single small shallow site that generally soil depth is  
12 dictated by topography and you would expect to find  
13 either large shall shallow sites or a cluster of sites  
14 over an area of operations. Would you agree with that?

15 A. I think it's quite variable. I  
16 certainly wouldn't generalize that way, no.

17 Q. Would you agree that variable terrain  
18 is something that operators have to deal with in other  
19 areas, such as road building and whether or not  
20 mechanical equipment can be used, leaving aside the  
21 issue of nutrient depletion?

22 A. Yes, that's taken into consideration  
23 and in both -- well access, road building and renewal  
24 efforts, yes.

25 Q. So the variability of terrain is

1 something that operators plan for in other areas?

2 A. Yes, that's right.

3 Q. Much of your evidence relating to the  
4 practicality of the eight hectare minimum seems to  
5 relate with the fear that you may have to change  
6 equipment.

7 Am I correct to assume that if you don't  
8 have to change equipment that size is much less of a  
9 problem?

10 A. Yes, that's right, but you still have  
11 deal with the issue of identifying these smaller  
12 anomalies within your larger stands, riveting them and  
13 treating them somehow differently. So there still are  
14 some constraints.

15 Q. Well, let's just move to that point  
16 about identifying small areas. As I understand it,  
17 that areas even smaller than eight hectares have to be  
18 identified for other purposes in timber planning. Are  
19 you aware of that?

20 A. I don't know what you are referring  
21 to, no.

22 Q. Well, for example, I understand that  
23 there is an eight-hectare minimum for retreatable areas  
24 and in the Timber Management Planning Manual, 5.6.1,  
25 that is that there is a two-hectare delineation under

1 Section 5.12.3 and another eight hectare size referred  
2 to in Section 5.8 with respect to non-treatability.

3 So timber management planning already  
4 requires the identification of areas eight hectares and  
5 smaller. Would you agree with that?

6 A. The references you make are generally  
7 to issues of mapability, of delineating out after the  
8 fact in a treated area failure areas greater than eight  
9 hectares, yes.

10 Q. In one of our interrogatories to the  
11 Ministry of Natural Resources we asked what happens  
12 when sensitive site types are encountered and only  
13 full-tree logging equipment is available.

14 Have you had an opportunity to review the  
15 answer to that interrogatory, Mr. Roll?

16 A. No, I haven't.

17 Q. Perhaps I can give you a copy of it.

18 (handed)

19 Have you had an opportunity to read the  
20 answer, Mr. Roll?

21 A. Yes, I have.

22 Q. Do you agree with their statement  
23 that other logging equipment is commonly available at  
24 the same camp location?

25 A. It was true at one time. It is no



1 longer generally true, certainly not in our operations.

2 Q. Is it common in your operation to  
3 defer areas until equipment becomes available?

4 A. That would be the option that we  
5 would have to use, but that does take -- to make if  
6 efficient that does take a lot of planning because we  
7 are on to those areas for other purposes as well, for  
8 the renewal purposes and so on.

9 So any harvest areas that we bypass the  
10 first time through would have to be scheduled that way.

11 Q. Well, in your particular operation  
12 you are currently using Roto-Lims and you wouldn't have  
13 to concern yourself with bypassing in any event to  
14 address leaving branches and tops on the site?

15 A. No, if it was -- particularly as is  
16 explained here, that it was a condition of the ground  
17 rules to use -- to not use full-tree harvest on given  
18 areas, that's right, as long as you can accept that  
19 full-tree chipping, as I have described it, with the  
20 use of the Roto-Lim is in fact not full-tree harvest  
21 and it is back to that definition problem and,  
22 therefore, back to this whole business of the  
23 interpretation of this term and condition.

24 Q. Right, which for the purposes of  
25 today we are dealing with the issue behind term and

1 condition 21 rather than the current wording which is  
2 to leave the branches and the tops on the site.

3 My question I guess relates to other  
4 operators who may not be using Roto-Lims in connection  
5 with their full-tree chippers. They would have the  
6 options set out in the answer to interrogatory question  
7 11, either there may be other equipment available at  
8 this site or they may be able to bypass and defer until a  
9 cluster of such areas becomes viable to bring in  
10 equipment to harvest?

11 A. Yes, that's right but, again,  
12 remembering that what this question refers to are areas  
13 where included in the silvicultural ground rules are  
14 requirements having to do with full-tree logging.

15 So presumably there has been a process  
16 that goes on before this in terms of designing the  
17 ground rules to say that in this area on those sites,  
18 those very specific sites, and in the judgment of the  
19 professionals that are making up the ground rules that  
20 there is a requirement that full-tree harvest not be  
21 done on certain sites.

22 Q. I take it that you would agree, then,  
23 if there was a term and condition such as term and  
24 condition 21(c) and an operator felt it was impractical  
25 to change a harvest system for an eight-hectare site

1 the operator would not actually change the equipment,  
2 but would probably bypass the site?

3 A. Again, I'm not sure how to answer  
4 you. The operator would have that option and I'm sure  
5 he would really consider that as one of his options,  
6 yes.

7 Q. And he would have another option that  
8 he could redistribute slash that had been delimbed at  
9 the roadside, isn't that correct?

10 A. Yes, that might be another option  
11 but, again, we are talking very costly, very  
12 inefficient kinds of operations on the second matter  
13 having to do with bringing in equipment to redistribute  
14 the slash on very small sites.

15 In the first case we are talking about  
16 the potential eight hectares and up of a fairly large  
17 piece of land base and if that were bypassed -- we are  
18 currently running issues related to reserves and other  
19 things that we go by, moose corridors and fisheries  
20 guidelines and all other those other kinds of things in  
21 excess of 20 per cent left behind as it is now.

22 Q. Well, I understood that  
23 redistribution would not require changing equipment,  
24 but would be just be done by the equipment that is  
25 already there harvesting and the grapple skidders?

1                   A. Yes, that's true, if you have grapple  
2 skidders on site you can do it that way, yes, but  
3 that's the only means of moving the material from the  
4 bush, but if you have grapple, yes, that's true.

5                   MS. GILLESPIE: Those are all my  
6 questions, Madam Chair.

7                   MADAM CHAIR: Thank you very much, Ms.  
8 Gillespie.

9                   Mr. Freidin, you don't have any  
10 questions.

11                  MR. FREIDIN: No, I had my chance and I  
12 didn't have any.

13                  MADAM CHAIR: Mr. Cassidy, will you be  
14 conducting re-examination?

15                  MR. CASSIDY: If I could just have a  
16 minute, Madam Chair. No, I have no questions.

17                  MADAM CHAIR: Thank you very much, Mr.  
18 Cassidy.

19                  Mr. Roll, thank you very much for coming  
20 to Sudbury today and appearing before the Board again.  
21 I think you are all finished.

22                  THE WITNESS: Thank you.

23                  MADAM CHAIR: Thank you.

24                  Mr. Freidin?

25                  MR. FREIDIN: I understand that Mr.



1 Kennedy and Mr. McNicol, if they are not on their way  
2 way over, will be momentarily. I told them that we  
3 were hopeful of starting at 2:30.

4 MADAM CHAIR: Let's do that, Mr. Freidin.  
5 We will take a break now and we will begin at 2:30.

6 MR. FREIDIN: Just in case they are a bit  
7 late, I think the best way to do this is I will just  
8 advise Mr. Pascoe when they arrive, okay?

9 MADAM CHAIR: That's fine, Mr. Freidin.

10 ---Recess at 2:20 p.m.

11 ---On resuming at 2:45 p.m.

12 MADAM CHAIR: Please be seated.

13 MR. FREIDIN: Madam Chair, I think we are  
14 going to start off by filing a number of documents as  
15 exhibits and Ms. Blastorah is going to deal with that.

16 MS. BLASTORAH: Madam Chair, I have  
17 spoken to Mr. Pascoe and I note that a number of the  
18 revised terms and conditions of the parties have not  
19 yet been marked as exhibits and I thought it might be  
20 useful to do that at the outset in case those documents  
21 are referred to during the reply evidence.

22 Mr. Pascoe has provided me with exhibit  
23 numbers. The first being the OFIA revised terms and  
24 conditions for 1992. I am afraid I don't have them in  
25 front of me so I don't have the exact filing date, but

1 he provided Exhibit No. 2248 for the OFIA terms and  
2 conditions.

3 ---EXHIBIT NO. 2248: OFIA revised terms and  
4 conditions dated March 16, 1992.

5 MS. BLASTORAH: For the Forests for  
6 Tomorrow terms and conditions, the 1992 versin, he has  
7 provided me Exhibit No. 2249.

8 Actually, the date on the OFIA one, I  
9 have now located, is March 16, 1992.

10 Forests for Tomorrow, perhaps Mr.  
11 Lindgren could advise.

12 MR. LINDGREN: They are dated March 18,  
13 1992.

14 MS. BLASTORAH: Thank you.

15 ---EXHIBIT NO. 2249: FFT revised terms and conditions  
16 dated March 18, 1992.

17 MS. BLASTORAH: The last one is the OPFA  
18 terms and conditions and, again, I am afraid I don't  
19 have those with me so I don't have the date that they  
20 were marked.

21 MR. PASCOE: March 26th.

22 MS. BLASTORAH: Thank you. March 26.  
23 That will be Exhibit 2250.

24 ---EXHIBIT NO. 2250: OPFA revised terms and conditions  
25 dated March 26, 1992.

1 MS. BLASTORAH: I believe the Ministry of  
2 the Environment's draft terms and conditions were  
3 already marked.

4 The next document would be the answers to  
5 the Board interrogatories; that is MNR's answers, and  
6 that was 178 Board interrogatories.

7 Mr. Pascoe has been provided, as have the  
8 parties here, with copies of the responses to the final  
9 interrogatories and we will be providing another  
10 complete binder for the record copy of the Board  
11 interrogatory answers and that will be Exhibit 2251.

12 ---EXHIBIT NO. 2251A: OFIA's responses to Board's  
interrogatories.

13 ---EXHIBIT NO. 2251B: MNR's responses to Board's  
14 interrogatories.

15 ---EXHIBIT NO. 2251C: OPFA's response to Board's  
16 interrogatory.

17 MS. BLASTORAH: Next would be the reply  
18 statement of evidence for Panel 1 which would be  
19 Exhibit 2252, and that's Ministry of Natural Resources'  
20 reply statement of evidence No. 1 titled the Timber  
21 Management Planning Process and Related Matters.

22 ---EXHIBIT NO. 2252: MNR's reply statement of evidence  
23 No. 1.

24 MS. BLASTORAH: Madam Chair, perhaps a  
25 point of clarification. You will recall the Board

1 asked, I believe it was, 10 interrogatories of the OFIA  
2 as well and perhaps we can make those 10  
3 interrogatories number 2251A and the balance 2251B.

4 MADAM CHAIR: Ms. Blastorah, are you  
5 saying for Exhibit 2251A will be MNR's responses to the  
6 Board interrogatories and Exhibit 2251B will be OFIA  
7 answers to the interrogatories?

8 MS. BLASTORAH: I might suggest that we  
9 do it the other way around simply so it would much  
10 match the numerical order. The OFIA interrogatories  
11 were the first 10, so it might make more sense to make  
12 them A.

13 MADAM CHAIR: All right.

14 MS. BLASTORAH: I am reminded there was  
15 one interrogatory that was asked of the OPFA which I  
16 believe was question No. 188, although I am not sure on  
17 that.

18 MADAM CHAIR: Yes, it was, and Ms.  
19 Murphy, we received the reply through her.

20 MS. BLASTORAH: Perhaps we can make that  
21 2251C.

22 The next document is one entitled Moose  
23 Habitat Interpretation in Ontario which was indicated  
24 in the reply Panel 1 witness statement as available on  
25 request. I provided a copy of that to Mr. Pascoe for



1 the exhibit copy. The authors are Jackson, Racey and  
2 McNicol. I'm sorry, one more author, Godwin. The date  
3 of that document is 1991.

4 It is published by the Northwest Ontario  
5 Forest Technology Development Unit of the Ministry of  
6 Natural Resources as Technical Report No. 52 and the  
7 document is 74 pages in length. A complete cite for  
8 that document is on page Roman numeral (iii) in MOE  
9 reply Panel 1 -- MNR reply Panel 1, I beg your pardon.  
10 That would be Exhibit 2253 I believe.

11 ---EXHIBIT No. 2253: Document entitled Moose Habitat  
12 Interpretation in Ontario.

13 MS. BLASTORAH: The next document I would  
14 like to mark -- the next two documents actually are the  
15 answers to the interrogatories that the Ministry  
16 received on Panel 1 and perhaps again we could make  
17 those A and B. The first would be answers to  
18 interrogatories received from Forests for Tomorrow and  
19 that is one package of 63 pages including a covering  
20 letter dated May 8th, 1992 to Ms. Michelle Swenarchuk  
21 of CELA from Victor L. Freidin. That would be, I  
22 believe, Exhibit 2254A.

23 ---EXHIBIT NO. 2254A: MNR's answers to interrogatories  
24 received from FFT.

25 MS. BLASTORAH: The next document is a

1 package of interrogatories which consist of 22 pages  
2 including a letter of May 11th, 1992, from Victor L.  
3 Freidin to Ms. Jan Seaborn representing the Ministry of  
4 the Environment and that is MNR's responses to the  
5 interrogatories received from the Ministry of the  
6 Environment. That would be Exhibit 2254B.

7 ---EXHIBIT NO. 2254B: MNR's answers to interrogatories  
8 received from MOE.

9 MS. BLASTORAH: I think the last document  
10 we have to mark is a package of overheads for use  
11 during the direct evidence this afternoon. That  
12 package consists of 26 pages. It has not yet been  
13 distributed. We will do that now. It is 26 pages of  
14 hard copy of text overheads and it is titled MNR Reply  
15 Panel 1 Overheads.

16 I am afraid we didn't have an opportunity  
17 to number the pages on each of the copies. So perhaps  
18 as we go through we could ask people to do that on  
19 their own copies.

20 The first page we have also included in  
21 the numbering. So the title page, if you will, or the  
22 covering page will be No. 1 and the first actual  
23 overhead will be page 2, just so we are all using the  
24 same numbering system.

25 That will be Exhibit 2255.

1       ---EXHIBIT NO. 2255: 26 pages of hard copy of text  
2                                   overheads titled MNR Reply  
3                                   Panel 1 Overheads.

4                   MS. BLASTORAH: I think those are all the  
5 documents we have to mark at this time, Madam Chair.

6                   MR. FREIDIN: As soon as you are ready,  
7 Madam Chair, we can start.

8                   MADAM CHAIR: Go ahead, Mr. Freidin.

9                   MR. FREIDIN: Madam Chair, as you will  
10 recall both Mr. McNicol and Mr. Kennedy were previously  
11 witnesses and they have therefore been sworn. We don't  
12 have to go through that formality.

13                   JOHN McNICOL,  
14                   FRANK KENNEDY; Recalled.

15       DIRECT EXAMINATION BY MR. FREIDIN:

16                   Q. Mr. Kennedy, I think the best way to  
17 begin this is for you to indicate to the Board the  
18 general approach that you and Mr. McNicol are going to  
19 take in terms of highlighting the evidence in the  
20 witness statement of evidence No. 1 and addressing the  
21 issues which the Board posed in their letter of May the  
22 11th, 1992.

23                   MR. KENNEDY: A. Madam Chair, there is  
24 no doubt you have discovered by now that the Ministry  
25 of Natural Resources' reply evidence is following the

1 outline of our terms and conditions that we filed on  
2 January the 6th of 1992.

3 The reply evidence that we will be giving  
4 orally in presenting to you over the next several weeks  
5 will also follow that same format and, as such, you may  
6 find it helpful from time to time to refer to the Table  
7 of Contents for Reply Panel 1 today and tomorrow just  
8 to keep track of where we are going through that  
9 statement.

10 It is not our intention to speak to each  
11 and every item that we do have listed in the Table of  
12 Contents, rather we are going to address those items  
13 where we feel it would be helpful for the Board to  
14 provide additional information based on our experience  
15 to date in the hearing, also to highlight some of our  
16 responses to the interrogatories from several panels --  
17 or parties I should say, and also in response to some  
18 of the issues raised both by the Board and the other  
19 parties.

20 Mr. McNicol and I will be sharing the  
21 task of presenting that evidence to you and we will be  
22 using a series of overheads in which to convey that  
23 information to guide us through our oral presentation.

24 To that end, I would like to begin with  
25 local citizens' committee. We feel that the evidence



1 that is presented in this statement dealing with  
2 planning teams is self-explanatory, and unless the  
3 Board has any specific questions on that topic we would  
4 prefer to launch right into local citizens' committee.

5 Madam Chair, can you see that okay?

6 MADAM CHAIR: Yes, we can, Mr. Kennedy.

7 MR. FREIDIN: That overhead is page No. 2  
8 of the exhibit. It may be worthwhile if we could all  
9 take a moment and number the pages, Madam Chair, so the  
10 record will be clear which overhead we are referring  
11 to.

12 MR. KENNEDY: So proceeding with page No.  
13 2 of Exhibit 2255 dealing with local citizens'  
14 committee, Madam Chair, we would like to point out that  
15 this is not a new requirement. We have listed in terms  
16 and conditions previous to this a suggestion to use of  
17 a local citizens' committee.

18 In the past we've had some experience  
19 with use of advisory committees, but we didn't  
20 formalize that in our initial evidence during Panel 15.  
21 We used advisory committees for a variety of resource  
22 plans including fisheries plans and in other exercises  
23 such as District Land Use Guidelines, but during our  
24 negotiations, particularly those back in 1990,  
25 suggestions came forward from other parties to consider

1 formalizing the use of an advisory committee.

2           You may recall in our earlier versions of  
3 terms and conditions we came up with a wording or a  
4 concept that was referred to as stakeholders'  
5 committee. We have now revised that through subsequent  
6 discussions throughout the hearing through the  
7 negotiations process and have come back to you with a  
8 proposal for a local citizens' committee.

9           We spent considerable time during our  
10 negotiation sessions going through the ins and outs and  
11 the details regarding local citizens' committees and  
12 how they could be involved, what kind of rules and  
13 procedures to follow, what kind of membership, et  
14 cetera, and I am pleased to report that the concept had  
15 wide support during the negotiations and that is  
16 reflect in the Illing Report.

17           However, one of the matters that still  
18 remains outstanding is that which deals with procedural  
19 matters. There was some differences of opinion amongst  
20 the parties as to particular ways of going about  
21 deciding on membership, deciding on frequency of  
22 meetings, timing of meetings, location, matters such as  
23 that.

24           Hence, you will see it in our terms and  
25 conditions which I will refer briefly to the fact that

1 the best people to decide on the appropriate procedural  
2 matters is the committee members themselves.

3 However, we did notice in the Board  
4 issues that there was some interest expressed over how  
5 we would go about determining the membership on the  
6 committee.

7 I would you to turn now to Appendix 1 of  
8 our terms and conditions which can be found on page 31  
9 of the MNR terms and conditions from January the 6th,  
10 92.

11 In item 1, in that regard you will see  
12 that we have listed a number of main interests we would  
13 expect normally to be represented on the citizens  
14 committee. We have not suggested that these be  
15 specific individuals for each and every interest shown,  
16 but indeed that the general interest should be  
17 represented or available through the planning process.

18 We do think that there will be times when  
19 there will be an individual representing more than one  
20 interest sitting on a committee and, as such, we have  
21 given a list of those that we typically see involved in  
22 our planning events coming out to open houses and  
23 information centres.

24 When we prepared this list we didn't  
25 intend it to be all inclusive and we think that there

1        may be other interests out there that would like to be  
2        involved. I understand that other parties have come  
3        forward at the hearing and made suggestions that trade  
- 4       union representation be also considered for inclusion  
5        in the list.

6                    I can advise you that the Ministry of  
7        Natural Resources has no concern with trade unions  
8        being represented on local citizens' committee or,  
9        indeed, any other interest that comes along that has a  
10       direct interest in being involved throughout the  
11       planning process.

12                   The only cautious I put on that is that  
13        at some point we would need to be concerned about the  
14        total number of people involved in any committee and  
15        the workability of a committee of a given size.

16                   We think that those individuals that are  
17        interested in coming forward and declaring an interest  
18        and become actively involved, willing to donate their  
19        time to attend the meetings and be involved in issue  
20        resolution and other matters that we have outlined, we  
21        welcome their involvement.

22                   MR. MARTEL: Mr. Kennedy, do you intend  
23        to include trade union in your list before we get to  
24        the end of the process; in other words, do you formally  
25        intend to put the words trade union in that list?



1                   MR. KENNEDY: We are not opposed to that  
2                   idea, Mr. Martel. If there is an opportunity for us to  
3                   file addition additional terms and conditions or,  
4                   indeed, to augment those we filed now we are not  
5                   opposed to specifically stating that trade unions would  
6                   be welcome to be considered in those areas where they  
7                   are interested in being directly involved in that  
8                   committee.

9                   Also, I understand there was some  
10                  interest expressed as to what we refer to -- sorry,  
11                  what we meant when we referred to the general public in  
12                  item 1(k).

13                  I can simply advise that in our  
14                  experience we have seen individuals that are interested  
15                  in being involved, just concerned citizens but they are  
16                  not there representing any particular point of view.  
17                  In that regard we chose to characterize that as general  
18                  public.

19                  We didn't have any particular group in  
20                  mind or target type of individual when we stated the  
21                  expression general public. We are just simply making  
22                  an acknowledgement that there are people out there from  
23                  different walks of life who have an interest in seeing  
24                  what goes on in timber management and we provided for  
25                  that by the listing of general public.

1 I also understand that there was some  
2 interest expressed as to how we go about determining  
3 who sits on the committee, how actual membership is  
4 determined.

5 I can advise you that earlier on in  
6 negotiations we did have some suggestions as to how  
7 that might occur. In subsequent negotiations there was  
8 discussion of various ways and means in which the  
9 people could be identified for sitting on a committee.

10 I would say that that really wasn't  
11 agreement amongst the parties in our negotiation  
12 sessions as to what the best way for that to occur is.  
13 In the end we have withdrawn those suggestions and  
14 simply left it up to the district manager.

15 We feel that the district manager is  
16 going to be confronted with that difficult task of  
17 determining who can best represent interests. We feel  
18 that there is a role for organized organizations  
19 locally to participate. It would not be uncommon for  
20 the district manager to approach an organization and  
21 ask for their recommendations, to come forward in  
22 representing different points of view.

23 MR. MARTEL: Again, I worry about this  
24 one, Mr. Kennedy. From the point of view of the  
25 district manager, in fact, that he could be perceived

1 as hand-picking a group and avoiding someone who might  
2 in fact be a thorn in the side; in other words, no  
3 matter how hard he tries he could ultimately be blamed  
4 for not having an appropriate committee and I think  
5 that would be detrimental.

6 I am not sure how one overcomes it since  
7 you didn't get agreement, but we have certainty  
8 heard -- and I'm sure you have seen the transcripts  
9 when we were in North Bay and so on, how vehemently  
10 these groups were that they in fact be allowed to  
11 appoint their own representative.

12 MR. KENNEDY: On that point, Mr. Martel,  
13 I think that if an organization was approached by our  
14 district manager and asked to recommend an individual  
15 to sit on a local citizens' committee, if that group  
16 chose to nominate through an election process within or  
17 to simply use the chairperson of that group to  
18 represent them, I think that would be their -- we would  
19 leave that up to their business essentially and allow  
20 them to come forward in that regard.

21 We are hesitant to suggest that we hold  
22 public nominations for sitting on such a committee. We  
23 don't think that's very useful approach.

24 We are interested in having those people  
25 who are truly interested in coming out and

1 participating in the process, we want them to be  
2 willing participants to come and invest the amount of  
3 effort that's going to be required and to represent  
4 that particular interest.

5 MR. FREIDIN: Q. Can you advise, is  
6 there any opportunity for the local citizens' committee  
7 to in fact take the initiative in terms of adding  
8 people as they think is appropriate; for instance, if  
9 the district manager did not appoint somebody and the  
10 LLC felt it appropriate that a certain group be  
11 represented? Is there any provision addressing that?

12 MR. KENNEDY: A. Yes. We acknowledge  
13 that that can in fact happen and, indeed, one recent  
14 occurrence I have seen in appointing an advisory  
15 committee in a similar nature to our LLC concept was a  
16 formation of individuals and asking them if they felt  
17 that additional representation was required to deal  
18 with the specifics in that area and allow a smaller  
19 group to provide further recommendations to the  
20 district manager as to who would be the appropriate  
21 members to round off the interest in the group.

22 I think that would become pretty much a  
23 widespread practice, I would expect, as we move to  
24 operationalizing the concept of the local citizens'  
25 committee.



1 I also understand that there was some  
2 questions concerning the out-of-pocket expenses  
3 covering the disbursements that we mentioned in  
4 Appendix 1 in item No. 5.

5 I can advise you that the out-of-pocket  
6 expenses is intended to cover just that; costs that are  
7 incurred directly in their performance or duties as  
8 members of the local citizens' committee.

9 We have not contemplated and at this  
10 point not able to afford to consider paying for wages  
11 or lost wages that may be incurred by these members in  
12 performance of their duties. We are prepared, though,  
13 to cover such things as travel and accommodation cost  
14 associated with their participation in the planning  
15 process.

16 I also note that in the Board's issue  
17 statement there was concern expressed or some query  
18 expressed around how we may deal with conflicts in  
19 interest, and in that particular item, I can advise the  
20 Board, that we have no magic solution in that regard.

21 I think, as the Board sees, when you get  
22 together a group individuals with varying backgrounds,  
23 varying interests, put them together toward a common  
24 task, indeed you may end up with conflict situations.

25 We are expecting the normal committee

1 process to take place and for the committee itself to  
2 do its best to work out those differences of opinion  
3 and to look at working cooperatively as a committee.  
4 In the experiences we have had, that may take some time  
5 in certain areas for them to gel and work together as a  
6 group. I believe it does happen.

7 I think there is a safeguard, though,  
8 that we do have this built into the system; that is,  
9 the local citizens' committee is not a direct  
10 decision-making body in that they are still providing  
11 advice through to the plan author, to the district  
12 manager and in the event that there are concerns over  
13 conflict of interest or indeed disagreement of  
14 opinions, I think it would be quite appropriate for the  
15 committee to come forward with perhaps two opinions on  
16 the subject and allow the recommendations to proceed  
17 forward to both plan author and district manager where  
18 the final decisions would be made in that regard.

19 I think we encourage their involvement  
20 throughout the whole planning process and if indeed  
21 there are difference of opinion, I think that that just  
22 can highlight the concerns that needs to be taken into  
23 account when the district manager is making those  
24 decisions.

25 One of the more important points that I

1 would like to bring to your attention that we did work  
2 into the last round of negotiations with the local  
3 citizens' committee is providing a new opportunity for  
4 the local citizens' committee to nominate an individual  
5 to sit directly on the planning team, to act as a full  
6 planning team member, full responsibilities and also  
7 full attendance and full participation required.

8 Right now it is an opportunity. During  
9 negotiations there was a suggestion made that some  
10 local citizens' committee may prefer not to be that  
11 involved in the planning process, may prefer to be just  
12 consulted on an as-need basis and we would be quite  
13 content with that, although there is another expression  
14 of concern and that was that some local citizens'  
15 committees would want to be directly involved there at  
16 the table at the time decisions were made and, hence,  
17 we have provided for that opportunity.

18 We also provide for opportunities for  
19 other members of the committee to participate as  
20 observers during plan team sessions and also scheduled  
21 joint meetings between the planning team and the local  
22 citizens' committee.

23 Throughout our terms and conditions we  
24 have built into them opportunities for the local  
25 citizens' committee to be involved, I would say, at

1 each and every one of the main steps throughout the  
2 process including such things as early involvement in  
3 gathering information, attendance at information  
4 centres, participation, issue resolution process and  
5 right through to implementing the plan upon its final  
6 approval.

7 Those are the comments, the conclusive  
8 comments that I would like to make on the subject of  
9 the local citizens' committee.

10 Madam Chair, I would like to take you  
11 through a series of overheads that deals with public  
12 consultation overview. We think we've made some  
13 substantive changes in our process from the information  
14 we presented to you during our original Panel 15  
15 evidence.

16 I would like to quickly cover some of  
17 those main points from the beginning and also highlight  
18 the changes that we have made before going further on  
19 into the planning process.

20 Right from the outset of our planning we  
21 have also recognized the need for both consultation and  
22 involvement of publics in the planning and that was  
23 reflected in our Class EA document when we described  
24 the four formal stages of public consultation program.

25 I summarized those on the overhead as



1 being an invitation to participate at the outset of the  
2 planning; stage 2 being an opportunity to review  
3 preliminary proposals; stage 3, which is an opportunity  
4 to review the draft timber management plan; and stage  
5 4, which is in an opportunity to inspect the final  
6 timber management plan.

7 I can advise you throughout the hearing  
8 we listened to many hours of cross-examination and  
9 interest by other counsel on matters at which public  
10 consultation occurred and what kind of involvement  
11 people actually had in the process, and in negotiations  
12 we spent a considerable amount of time talking about  
13 how publics got more fully involved in the process.

14 As a result, we have come back about with  
15 what I think is a considerably enhanced process. We  
16 have keep the basic structure, though, and we have  
17 added some new features.

18 We still have the same four stages,  
19 starting with stage 1, the invitation to participate.  
20 Now looking at page 4 of Exhibit 2255. We still have  
21 stage 1 which deals with the collection of background  
22 information, presenting of results or preliminary  
23 analysis, provision of relevant documents.

24 The results or preliminary analysis and  
25 provision of the relevant documents are a new twist to

1       our proposal where we are trying to provide the  
2       necessary background information of all forms to  
3       members of the public early in the process to equip  
4       them so they become informed individuals and can  
5       participate more fully.

6               At stage 2, the first information centre,  
7       we are providing some updated or revised background  
8       information and put forward an analysis of information,  
9       that information that we gathered to date. We provide  
10      information dealing with the evaluation of alternatives  
11      in the case of both roads and areas of concern planning  
12      and we provide for preliminary report on the protection  
13      of native values, something I will be describing in  
14      more detail in just a moment.

15             It also provides for a map summary of  
16      anticipated areas of operation. We will also be  
17      talking about that later on.

18             Stage 3, we are providing a second  
19      information centre. At this time we have the draft  
20      timber management plan complete with supplementary  
21      documentation that has been prepared to date, the MNR  
22      preliminary list of required alterations, the final  
23      report, protection of native values and a draft timber  
24      management plan summary, and on page 4 again the  
25      inspection of both the final MNR approved plan and the

1 subdoc and the final timber management plan summary.

2 So our basic four-stage concept is still  
3 in place, but we have added a number of new pieces of  
4 information at the relevant stages as the information  
5 has progressed and we attempted to provide it in  
6 summary form and it is the key piece of information the  
7 public seem to express an interest in in seeing it at  
8 those points.

9 Page 5 of Exhibit 2255 is a continuation  
10 of our discussion on public consultation, just  
11 highlighting some of the changes in our overall  
12 approach to consultation.

13 As I mentioned, we have the local  
14 citizens' committee that is involved in the planning  
15 from beginning to end and in the plan implementation,  
16 and that we have provided opportunities for local  
17 citizens' committee members to sit on the planning team  
18 and to act as observers in those meetings and we  
19 provided for full active participation throughout the  
20 key steps of the planning phase.

21 In the area of public notices, we have  
22 now specifically stated to who written notices will be  
23 sent and also the provision of rural notices. We have  
24 clarified the provision of notices in the languages,  
25 both English, French, as well as native language where

1 requested. Unless requested otherwise we would provide  
2 that.

3 We've also described in our terms and  
4 conditions how we will address notices for each one of  
5 the major planning events, preparation of the plan  
6 itself, preparation of contingency plans in the event  
7 that one was needed and any other aspects of planning  
8 such as the amendment process, insect pest management  
9 program and annual work schedule.

10 For each of those public notices we have  
11 gone into some depth in our terms and conditions  
12 describing the timing and content of each of those  
13 public notices. So through negotiations we discussed  
14 with parties the various times at which information  
15 should be prepared and what information should be  
16 available at those planning events.

17 The information that's available for the  
18 planning -- sorry, for the public during the planning  
19 seemed to be a topic where there was much discussion,  
20 parties wanted to know specifically what would be  
21 available for publics to participate and review.

22 So in that regard we provide in our terms  
23 and conditions a detailed listing of the relevant  
24 information that should be available at each one of the  
25 stages.



1                   We see it is as a very important subject  
2 because it has become the basis for our structure of  
3 our new planning process in dealing with public  
4 consultation opportunities.

5                   As you will see from the slides I went  
6 through earlier that we now have two information  
7 centres. We have actually added one. We now have a  
8 information centre which is somewhat equivalent to the  
9 one we've always had and presented to you in Panel 15.

10                  We have now scheduled it earlier in the  
11 process in order to deal with providing information at  
12 the time of its early development, its proposal stage.

13                  We have added a second information centre  
14 at the time of when a draft timber management plan is  
15 available for public review prior to the final  
16 decisions being made.

17                  We have also provided for a special  
18 consultation process for, in this case, particularly  
19 for natives. We developed a timber management native  
20 consultation program which I would like to come back to  
21 and speak to in more detail in just a moment.

22                  We have also identified some additional  
23 ways of dealing with issues or concerns that get raised  
24 during planning. In addition to the values mapping and  
25 the road and area of concern planning process that we

1 have had in our initial proposals, we now have the  
2 active participation of the local citizens' committee  
3 throughout the planning process.

4 Once specific item there is the  
5 opportunity for the local citizens' committee to  
6 investigation concerns or issues that are raised and to  
7 provide direct recommendations to the district manager.  
8 That investigation could take place as a result of  
9 either referral from the district manager or on the  
10 local citizens' committee own initiative.

11 We have also formalized an issue  
12 resolution process which will occur at two levels. One  
13 is with the district manager, has an opportunity to  
14 identify specific problem or issue and put extra  
15 resources into resolving that particular issue and  
16 provide full documentation of any discussion of that in  
17 the supplementary documentation.

18 We also provide an opportunity for that  
19 issue to get elevated to a second level and involve our  
20 regional director and the regional director would then  
21 be able to consult directly with the local citizens'  
22 committee and obtain additional information.

23 Through that informal issue resolution  
24 process there will be a full public record kept, I  
25 think we will have improved access to information, and

1       that all that information can serve as necessary  
2       background in the event that bump-up requests are  
3       received the Ministry of the Enviroment might have an  
4       interest in seeing that information.

5               In regards to documentation generally, we  
6       have provided for full public record of the entire  
7       planning process. We provided access to -- what we  
8       believe is improved access to information by timing of  
9       the -- sorry, by identifying the particular timing of  
10      when information will be available throughout the  
11      planning process and by specifying what information  
12      will be available for public review.

13             We've also developed a new concept which  
14      is a timber management plan summary and I will be  
15      speaking to that in more detail, but briefly it is a  
16      summary of the key parts in the planning process, a  
17      take-away document including a map which individuals  
18      can take both at the preliminary stages in the planning  
19      process and again at time of draft review. It is  
20      something that can be shared with other individuals.  
21      It will be a take-home document providing people an  
22      opportunity to send comments back in if they don't feel  
23      comfortable attending an information centre.

24             By way of summarizing this public  
25      consultation overview, I would point out to you that we

1 believe that the points listed on page 7 of Exhibit  
2 2255 is a valid way of summarizing those changes that  
3 we have made. We feel that there is general public  
4 representation now by those members that form part of  
5 the local citizens' committee.

6 We think that this is providing an  
7 opportunity for the public to be better informed,  
8 better able to participate in the process and we also  
9 recognize that this provides enhanced opportunities for  
10 planning teams to be better informed as well as to what  
11 the public needs are, the public desires are.

12 We believe the changes that we have made  
13 throughout provide for identification of providing the  
14 proper information to members of the public at the  
15 right time and that we have got both early and  
16 continued involvement of publics throughout the entire  
17 process.

18 Our new mechanism to resolve issues has  
19 been -- we think will be very appropriate that it will  
20 provide an opportunities for resolving concerns at the  
21 local level, while still retaining the opportunity for  
22 bump-up in the final stages.

23 We have provided for full documentation  
24 throughout the process. All of these changes that we  
25 have referred to here are contained throughout our



1 terms and conditions that were filed on January 6th,  
2 '92.

3 Now, turning to page eight of exhibit  
4 2255, still dealing with the general topic of public  
5 consultation, I would like to speak specifically for a  
6 few moments on the timber management native  
7 consultation program that we developed.

8 This is a new provision. It has not been  
9 put in place yet and is not currently undergoing  
10 testing per se in the full package as we proposed here.  
11 In our terms and conditions we have proposed additional  
12 ways and means of involving native communities  
13 throughout the planning process.

14 This is going to provide us with an  
15 enhanced ability to communicate directly with  
16 specifically remote communities, remote native  
17 communities. It is also going to provide us with an  
18 opportunity to provide improved recognition of the  
19 special values associated with those communities, and  
20 to that end we have developed a program that includes  
21 such things as our community meetings and other forums.

22 We have been advised by representatives  
23 of the native communities that our information centre  
24 style consultation process is not that well received in  
25 some communities and there is a need to be more

1 flexible.

2                   Hence, we have acknowledged that and we  
3 are indicating that we are quite willing to tailor the  
4 type of consultation opportunity to specific needs at  
5 the local level and at the outset of planning we are  
6 going to have one additional -- sorry, one initial  
7 community meeting with the native communities and seek  
8 their advice and instructions as to how we can best  
9 tailor subsequent opportunities for them to be  
10 involved.

11                   For each community we have provided a new  
12 idea and that is the preparation of a native background  
13 information report. We expect that this report will be  
14 tailored to the information pertaining to each native  
15 community that is either within the management unit or  
16 adjacent to. We can highlight the native values that  
17 are specific to that community.

18                   This report would be one that is prepared  
19 jointly by the native community members, plan author,  
20 as well as MNR and would serve as the equivalent of  
21 background information through this standard public  
22 consultation process. It is an effort to get specific  
23 native values, information early in the process in  
24 order to guide subsequent decision making.

25                   Our native consultation program also

1 provides for an opportunity for a native community to  
2 choose between our standard public consultation  
3 process, as well as a special consultation program. In  
4 the event that a special consultation program is  
5 desired, we are then going to work more closely with  
6 the community to prepare a separate report, a report we  
7 have identified as a report in the protection of  
8 identified native values. It will be prepared both in  
9 a draft and final form and will go into some detail  
10 regarding area of concern prescriptions relative to the  
11 values that are adjacent or within that native  
12 community.

13 The actual prescriptions that we develop  
14 as part of those -- part of the report on the  
15 protection of values will be developed in conjunction  
16 with the native community members.

17 MR. MARTEL: I am just wondering, because  
18 we have seen--

19 MR. FREIDIN: You are not on, Mr. Martel.

20 MR. MARTEL: --the backlash with a number  
21 of other attempts by the government to provide services  
22 to the native community, how you are going to deal with  
23 a report that is prepared and then might prove to be  
24 unacceptable by certain groups in our society, as is  
25 witnessed in the last couple of months and over the

1 last 10 years every time that's been attempted?

2 How are you going to take that report  
3 and -- are you just going to say, we are going to do it  
4 and that's it, in conjunction with the native  
5 community?

6 MR. KENNEDY: Well, Mr. Martel, I think  
7 that that is a challenge that we do face, that we may  
8 be misinterpreted in our intentions here by some  
9 members of the public.

10 I hope that through the implementation of  
11 this that we will be able to demonstrate to people that  
12 what we are doing is providing a special consultation  
13 opportunity to recognize the needs of a group of  
14 individuals that have particular interests on how we  
15 are going to conduct timber management operations in  
16 and around adjacent to the values that they hold a  
17 particular interest in.

18 The identification of background  
19 information relative to the native communities, we do  
20 expect to uncover native values which will be different  
21 from those that we traditionally listed in our list  
22 values for values mapping.

23 We have been advised by members of native  
24 communities that they have some particular suggestions  
25 as to how we go about modifying our operations to deal



1 with those values and I wouldn't be at all surprised if  
2 some of their suggestions may lead to potential  
3 conflict with other members of our interest groups.

4 Those situations I believe are confronted  
5 daily by our district manager and other staff during  
6 planning where we have an interest from varying groups  
7 that come forward that aren't always the same are in  
8 conflict. Indeed, that's one of the challenges of  
9 planning.

10 As far as the preparation of the reports  
11 go, I think that the first one, the background  
12 information report, can only serve well for everyone,  
13 to document what the values are specifically to a  
14 native community so that there is full information  
15 upfront to allow for full planning.

16 I think that by the providing of that  
17 information it can only lead to an improved  
18 understanding as to what various people's desires or  
19 wishes are for using that land base.

20 As far as the second report, which is the  
21 report of protection of identified native values, I  
22 think this is a step forward in our regards -- sorry,  
23 in our process of public consultation.

24 If I was to describe it very simply I  
25 would describe it as being a report that is tailor-made

1 to the community's needs. I would think of it as a  
2 subset of the information that we currently prepare in  
3 terms of the area of concern planning, I would think of  
4 it as a preparation of a subset of maps that can convey  
5 information more directly to the native community.

6 As far as looking at entirely new  
7 innovative ways of resolving native concerns dealing  
8 with those values, I think we have to grow with that  
9 experience. Indeed, we've heard some discussion around  
10 some suggestions in specific areas as to what we might  
11 have done differently. We realize that there is a need  
12 for us to improve in that area and we are willing to  
13 make an effort in that regard.

14 One of the things, though, that I would  
15 point out to you, Mr. Martel, is that both reports are  
16 not being done in secret. Both reports are being done  
17 out in the open. Both reports are prepared and  
18 produced at the same time as equivalent reports for  
19 equivalent information in the standard consultation  
20 program.

21 In the case of the standard consultation  
22 program it is our intention to share that information  
23 with the native community, and we outline that  
24 specifically in our terms and conditions so as not to  
25 be seen to be striking a deal with a specific group.

1           In a similar fashion, it will also  
2 provide the opportunity for native communities to  
3 choose between participating in the standard process or  
4 having a process which would be better -- sorry,  
5 tailored to their needs.

6           Here we are thinking particularly of  
7 information that may be able to assist those  
8 communities that are of a remote nature where it may be  
9 impractical to bring in an information centre style  
10 complete with all the maps and all our paraphernalia  
11 style approach.

12           In that regard, having both information  
13 available to the natives and the native information  
14 available to other individuals in the standard  
15 consultation process I do think will minimize that  
16 suspicion that might rest in some people's minds.

17           We have also identified a number of  
18 changes to our general approach to dealing with native  
19 consultation through the course of the hearing and  
20 through some cross-examination that some of our  
21 witness' experienced. There were recommendations that  
22 came forward to us to make some changes.

23           There was a suggestion we need to improve  
24 the manner in which we provide notices to native  
25 communities. We need to expand the list of individuals

1       that we inform. We have always given direct notice to  
2       individuals such as band councils and those individuals  
3       that we know have a direct interest, but there was a  
4       suggestion that we provide further notification to  
5       other members within the Ontario Government and we have  
6       taken that advice and we have listed those  
7       organizations in our terms and conditions.

8               We also were advised that providing  
9       information in native languages was a desirable  
10      opportunity -- sorry, desirable event. We had  
11      mentioned it in passing in our earlier terms and  
12      conditions. We have now indicated that we are quite  
13      willing to provide notification in the appropriate  
14      native language and we intend to do so unless we are  
15      told otherwise.

16             We are looking at the -- sorry, we are  
17      aware that we are going to have to put in place some  
18      specific mechanisms to be able to provide that kind of  
19      notification, but we are prepared to undertake that.

20             As I was mentioning a moment ago, we have  
21      also been advised that our traditional style of  
22      information centre/open-house style presentation is not  
23      all that helpful to some native communities. They have  
24      indicated that they would like us to meet at locations  
25      that are more convenient to them and also put on events



1 that are different than those, sponsor more information  
2 centre style -- rather than sponsoring more information  
3 centre style events that we have community meetings and  
4 to deal with contacting individuals in the communities.

5 By way of summarizing, we think that we  
6 will have through these changes that we have made on  
7 native consultation that we will be able to have more  
8 and better information on native values. We are going  
9 to provide enhanced opportunities for participation of  
10 individuals in native communities and, ultimately, that  
11 will lead to improved planning.

12 I should also point out we have made one  
13 additional specific change and that is one dealing with  
14 remote -- access to remote communities in our term and  
15 condition No. 41. This is a new requirement that we  
16 have suggested, and for native communities that are  
17 remote that have not been previously accessible by road  
18 or where increased access would result from one of the  
19 road corridors put forward, we are providing for a  
20 special analysis of those alternative road corridors  
21 and that kind of information will be presented along  
22 with the report on protection of identified native  
23 values. That will be able to reviewed by the  
24 communities, both the preliminary and final reports.

25 I would like to move now to a new subject

1 matter. We refer to page 10 of Exhibit 2255 and we  
2 will speak -- Mr. McNicol and I will both speak to  
3 information needs for timber management planning.

4 We provided new terms and conditions in  
5 our most recent package. Term and condition No. 12  
6 deals with updating of the forest resource inventory at  
7 the outset of our planning process.

8 It is essentially the specific  
9 requirement now for planners to ensure that they have  
10 an updated current forest resource inventory for use in  
11 subsequent planning exercises. They include such  
12 things as ensuring that natural depletion such as fire  
13 losses, insect losses are accounted for at the outset  
14 of planning, the information base reflects those  
15 changes. It also speaks to ensuring that other  
16 depletions on the land base such as harvest operations  
17 have been accounted for, as well as those areas that  
18 have returned to the free to grow or MAD land base as  
19 the basis for the results of the free to grow  
20 assessments.

21 The attempt here is simply to ensure that  
22 at the outset of planning that our forest resource  
23 inventory information will be used subsequently is the  
24 most current and up-to-date information available.

25 Madam Chair, I should point out that this

1 topic is different than the one we are addressing in  
2 Panel 3, which is the enhancement of FRI which is a  
3 slightly separate topic which deals with some new and  
4 improved ways of use of FRI information. We will be  
5 addressing that in more detail when we get to that  
6 panel.

7 MR. McNICOL: Madam Chair, you will  
8 remember oh so many years ago when we talked in Panel 7  
9 about the various types of information that was  
10 collected for timber management planning purposes we  
11 talked about fish and wildlife information  
12 requirements. Term and condition 13 of our new terms  
13 and conditions captures some of the old standbys.

14 You will remember speaking about moose  
15 and deer, fisheries - I draw your attention to 13(c) on  
16 page 5 - as well as threatened and endangered species  
17 which was also an information requirement.

18 We have included the requirement for  
19 information about site occurrence of rare flora and  
20 fauna, and in addition in 13(d), the necessity for the  
21 production of information with respect to moose  
22 production capability and an assessment of habitat  
23 suitability for deer.

24 Other inventory initiatives are captured  
25 in our terms and condition 67, 79, 82, 83 and 87(b). I

1 won't dwell on those, but the values dealt with range  
2 from wetlands, old growth to ANSIs.

3 With respect to information requirements,  
4 MNR maintains and always has maintained that an  
5 important component for timber management planning,  
6 proper timber management planning is an up-to-date,  
7 current data base concerning all values in the forest.

8 The information that is collected  
9 oftentimes is collected not in conjunction with timber  
10 management planning, it is collected for other  
11 purposes, but that information is captured and at the  
12 time of timber management planning is utilized.

13 For those values, resources that need  
14 updated information, those initiatives are taken during  
15 or just prior to planning to ensure that we have the  
16 most up-to-date information available.

17 MR. KENNEDY: Madam Chair, if you are  
18 keeping track in your Table of Contents in Exhibit 2252  
19 I would just like you to make note of the fact that we  
20 will not be addressing in our oral evidence any further  
21 information on the use of MNR implementation manuals,  
22 the subject matter of values mapping, the subject  
23 information for contingency plans and amendments and  
24 report of past forest operations.

25 We believe that the written evidence as



1 presented is self-explanatory and provides sufficient  
2 information. We are quite prepared to respond to any  
3 questions that the Board had or other parties may have  
4 during cross-examination, but we feel it is not  
5 appropriate to take any more time of the Board on those  
6 matters and, hence, we will proceed to a discussion of  
7 objectives and strategies.

8 MR. McNICOL: Madam Chair, there has been  
9 a great deal of discussion at the negotiation sessions  
10 and indeed in the hearings themselves with respect to  
11 objectives and strategies.

12 In answer to the first question on the  
13 slide, what is the objective of timber management  
14 planning, MNR continues to believe that a timber  
15 management plan objective is for the planning and  
16 management of the timber resource.

17 That planning team and that planning  
18 process is cognizant of other non-timber objectives on  
19 the land base. The planning team is able to consider  
20 problems and issues and opportunities with respect to  
21 these objectives; i.e., the non-timber objectives, in  
22 the context of manipulation of forest cover.

23 Strategies for significant problems and  
24 issues can be developed by the TMP to minimize problems  
25 and take advantage of opportunities.

1                   Strategies fall into two different types.  
2       There are strategies for non-timber resources with  
3       existing objectives to commonly used examples,  
4       fisheries, where the objective is protection, and  
5       strategies to assist production and again the commonly  
6       used example is moose. This is overhead 11 -- sorry,  
7       12.

8                   In the example shown here we have a  
9       wildlife management unit. The amorphous log. The  
10      rectangle indicates the forest management unit that  
11      happens to coincide with a portion of the wildlife  
12      management unit. Within the rectangle you will see  
13      cross-hatched the operational area being considered for  
14      a five-year TMP.

15                  Going into this exercise, the timber  
16      management planning team knows about the existence of  
17      the objective for that particular wildlife management  
18      unit, vis-a-vis moose, population target of 3,000 moose  
19      with a call date, a year, when that is to be achieved.

20                  The biologist on the planning team knows  
21      how that wildlife management unit is subdivided into  
22      high, moderate or low capability areas speaking of  
23      production capability for moose, it also knows how the  
24      area that is being planned for operation falls within  
25      that category. In this particular example you can see

1       that the area that's being planned for falls in the  
2       moderate capability area.

3               As Dr. Euler was fond of pointing out,  
4       resource managers have two six guns or levers that they  
5       use for manipulation of moose population numbers,  
6       harvest control and habitat. The timber management  
7       plan offers the opportunity to manipulate habitat; the  
8       only predictable tool for habitat manipulation at the  
9       resource manager's disposal.

10              So through application of the Moose  
11       Habitat Management Guidelines the biologist can help  
12       realize the potential of that wildlife management unit  
13       to reach the highest numbers of moose possible given  
14       the production capability of the area that is being  
15       planned for.

16              Strategies can also be developed for  
17       non-timber resources with no existing objectives.  
18       Through negotiations we worked out some words in this  
19       very - for MNR - delicate area and the words were  
20       carefully chosen. In MNR 19(c), MNR commits to  
21       development strategies in TMPs to deal with "problems  
22       and issue that could reasonably be dealt with in a  
23       timber management plan."

24              It is a difficult issue and it is a  
25       judgment call with respect to the timber management

1 planning team and district manager with respect to  
2 which of those problems and issues properly fall within  
3 the province of those words. We wrestled with this for  
4 some time at negotiations, not successfully, trying to  
5 categorize the types of problems and issues that we  
6 would deal with and it is extremely difficult to do so.

7 For the strategies to be developed by the  
8 timber management planning team, obviously the problems  
9 and issues have to be identifies and they have to be  
10 identified early. Early identification is extremely  
11 important.

12 The mechanism by which we can get some  
13 indication of what problems and issues are out there so  
14 that strategy development can begin early in planning  
15 is the local citizens' committee is involved in the  
16 planning process before formal planning takes place  
17 with their local knowledge base. They are familiar  
18 with problems and issues that exist out there.  
19 Sometimes from different perspectives, but they are  
20 aware. Public consultation is an obvious avenue for  
21 the identification beginning with the invitation to  
22 participate.

23 A less obvious example would be the  
24 Report of Past Forest Operations. The Report of Past  
25 Forest Operations is an important document for planning



1 team members entering into the new plan. Looking back  
2 they can see what problems and issues existed in the  
3 prior planning area, determine whether the strategies  
4 developed - and they should be told this in the Report  
5 of Past Forest Operations - determining whether the  
6 strategies developed were successful or unsuccessful in  
7 dealing with the problem or issue, decide to adopt that  
8 strategy if it was successful, if that same problem or  
9 issue exists, or perhaps develop a new one in the event  
10 that it was not successful.

11 I think Mr. Kennedy will now take us  
12 forward into silvicultural ground rules.

13 MR. KENNEDY: Silvicultural ground rules  
14 begins on overhead No. 13 of Exhibit 2255.

15 In this slide we are just capturing some  
16 of the major points dealing with silvicultural ground  
17 rules just to set the stage. The fact that each timber  
18 management plan is required to contain silvicultural  
19 ground rules, it will be specified in our new terms and  
20 conditions if they are to be developed by a registered  
21 professional forester and silvicultural ground rules,  
22 the basic purpose for them is to provide direction or  
23 guidance for the implementation of operations during  
24 the subsequent annual work schedules and to the work to  
25 take place on the ground.

1                   The Board will no doubt recall that the  
2                   silvicultural ground rules are prepared at the local  
3                   level based on the information contained in the  
4                   provincial silvicultural guides tempered with the  
5                   knowledge and experiences gained locally, including the  
6                   results of the past activities.

7                   We have recognized that there may be  
8                   situations out there that the local experience is  
9                   different than that that's contained in the provincial  
10                  direction and, hence, we provide for exceptions to the  
11                  silvicultural guides and our new terms and conditions  
12                  provide for a requirement that those exceptions be  
13                  explicitly stated, that they be highlighted, that there  
14                  will be rationale provided in the plan for their use  
15                  and also that a monitoring program be put forward.

16                  The reason for the rationale is so that  
17                  during plan review other plan reviewers can see if in  
18                  fact the local situation is indeed different than what  
19                  is contained in the guide and the concept behind  
20                  putting forward a monitoring provision is to ensure  
21                  that information, relevant information is kept about  
22                  that specific activity so that one can be assured that  
23                  the expected results are being obtained.

24                  However, throughout our discussion on  
25                  silvicultural ground rules in the course of the hearing

1       there has been some concern expressed about how people  
2       can be assured that in fact plan authors are following  
3       what is in the silvicultural guides and how individuals  
4       can be better assured that that is taking place.

5                 Moving now to overhead No. 14. This is  
6       just to describe to you the origin of the concept of  
7       general standard site types.

8                 Our silvicultural ground rules have  
9       always contained information to deal with site  
10      description at the local level. In our silvicultural  
11      guides, the provincial level, they always contained  
12      detailed descriptions of the sites that are encountered  
13      for a particular species across the province.

14                The silvicultural guides have not had an  
15      easy means of referencing or quoting that information  
16      and that's where the concept of general standard site  
17      type has originated from. It is the development of a  
18      coding system or a labeling that would simply provide  
19      for a means of referencing in the silvicultural guide.

20                So the general standard site type could  
21      be thought of simply as a label in the silvicultural  
22      guide that can allow for relevant information on  
23      similar sites across the province.

24                About the middle of overhead No. 14 we  
25      have made a very crude effort at outlining how I would

1 think that in the future our silvicultural ground rules  
2 will make use of that label.

3 I make note that provincial jack pine No.  
4 1 is an idea of referencing what I would expect to see  
5 shown in a silvicultural ground rule. Provincial jack  
6 pine No. 1 would be the general standard site type.

7 Underneath that I have shown local jack  
8 pine 1 and local jack pine No. 2 which would be the  
9 silvicultural ground rule site descriptions or  
10 silvicultural ground rule site types.

11 So in that sense there is sort of an  
12 hierarchy of information. The plan author would go to  
13 our silvicultural guides, look for the information that  
14 is relevant to the types of sites that are occurring on  
15 that management unit, make note of the general standard  
16 site type that is used to describe that area and record  
17 that as a coding in preparation for silvicultural  
18 ground rules and then go on and use more detailed  
19 information locally and describe the sites that will be  
20 encountered.

21 So in this fashion the use of the general  
22 standard site type concept will allow for a traceable  
23 link between the provincial silvicultural guide and  
24 each timber management plan silvicultural ground rule,  
25 and then it would be possible for a plan reviewer to



1 look for similar prescriptions for similar sites in a  
2 given part of the province or, indeed, if there are  
3 similar sites found in completely different parts of  
4 the province it would be possible for the public or  
5 plan reviewer to look for at least similarities in the  
6 way in which that particular site type has been  
7 approached.

8 We do expect that our revisions -- sorry,  
9 this will require revision to our silvicultural guides  
10 to put this in place and we are about to begin that  
11 process and we expect it will take some time, about two  
12 years before that goes in place.

13 In the meantime, we are still going to  
14 require our plan authors to prepare silvicultural  
15 ground rules using the best information available,  
16 including such information as forest ecosystem  
17 classification, operational group types and vegetation  
18 types. We do think that this change is going to  
19 provide us with an explicit traceable link for both  
20 plan author, reviewers and members of the public if  
21 they so choose.

22 Moving now to overhead No. 15 dealing  
23 with a slightly different topic related to  
24 silvicultural ground rules and that is, we continue to  
25 have some expression of interest on how does the public

1 know what operations are going to occur where.

2 The general standard site type is not  
3 going to answer that per se. It is going to provide  
4 background information where guidance came from,  
5 provincial guide, but it won't help us identify  
6 specifically how does the public get better information  
7 on what operations will occur on a particular piece of  
8 geography.

9 To answer that we responded in a number  
10 of ways. The first one is, early on in our terms and  
11 conditions process MNR suggested that we be able to  
12 show candidate prescribed burns and candidate aerial  
13 herbicide operations. We made commitments early on to  
14 show that as part of areas selected for operation maps.

15 We then took another step and agreed to  
16 show preferred silvicultural treatment package for each  
17 particular site type. The site type that I'm referring  
18 to here is the site description or site type that is  
19 shown in the silvicultural groundrules.

20 So if one was to look at a particular  
21 piece of geography, look at the type of site conditions  
22 that are found one could then go to a silvicultural  
23 ground rule, look for that site description that  
24 matches that site of interest and follow across and  
25 determine what is likely to occur there by way of a

1 preferred silvicultural treatment package that would  
2 normally be used on that site.

3 In our silvicultural ground rule  
4 approach, though, we don't limit the options to that  
5 particular approach. We also identify a number of  
6 other alternatives which may be used if conditions  
7 warrant it.

8 We have also gone one step further most  
9 recently, as was described by MOE in their direct  
10 evidence just a couple of weeks ago, as we reached  
11 agreement with MOE, a very worthwhile effort, and that  
12 is to go the next step which is to map -- provide some  
13 additional information in map form and that is to show  
14 the silvicultural ground rule site type from the  
15 silvicultural ground rules on the areas subject for  
16 operations map.

17 We think that the last issue in  
18 particular is one that's going to be well received by  
19 both members of the public. It will cause us some  
20 difficulty in the initial implementation of it. We  
21 feel confident that we can make a best effort in that  
22 regard by using the best available information that we  
23 have at our disposal now which includes such things as  
24 topographic maps, Northern Ontario Train Survey  
25 Information, soil surveys information where we have

1       that and a variety of other maps we described in Panel  
2       7.

3                       We think that the collection of these  
4       changes will allow us to provide better forecasting of  
5       information on both the operations themselves as well  
6       as the geographic allocation where those operations  
7       will occur and will provide better linkages between the  
8       areas selected for operations map, silvicultural ground  
9       rules and silvicultural guides if somebody chose to do  
10      that.

11                      What this really means is that in  
12      addition to those individuals that are directly  
13      involved in planning, such as the local citizens'  
14      committee who I think will become very well informed  
15      individuals participating on almost a weekly basis  
16      throughout the course of the preparation of the plan,  
17      it will also mean that when a general member of the  
18      public comes into an information centre or indeed  
19      reviews our plan at some distant location they will be  
20      able to go from the areas selected for operations map  
21      perhaps to an area that they are familiar with and by  
22      using the coding on the map trace it back to the  
23      silvicultural groundrules and determine what types of  
24      operations are likely to occur in that vicinity, and if  
25      they so choose they could then go on and trace it right



1 back to the provinical silvicultural guide and look at  
2 what types of operations were available for  
3 consideration in those areas.

4 MR. FREIDIN: Madam Chair, I was  
5 wondering what the intentions of the Board are in terms  
6 of how long we are going to sit today.

7 MADAM CHAIR: I think we have had enough  
8 for today, Mr. Freidin.

9 One question for Mr. Kennedy. Are you  
10 reporting to us an agreement that has been reached with  
11 the Minister of the Environment subsequent to their  
12 case?

13 MR. KENNEDY: No, Madam Chair. I am  
14 talking about an agreement that was reached prior to  
15 the conclusion of their case. It was filed as an  
16 amended term and condition dealing with the use of  
17 silvicultural ground rules, site type mapping on the  
18 areas of concern mapping that was put forward. I don't  
19 have the exhibit number right in front of me, but I do  
20 have it with me.

21 MADAM CHAIR: Was that number 32?

22 MR. FREIDIN: Term and condition 32.

23 MR. KENNEDY: Yes, Madam Chair, it deals  
24 with term and condition 32.

25 MADAM CHAIR: The Board doesn't want to

1 get confused. We think we understand what Mr. Kennedy  
2 is saying, but there was an issue that was left  
3 outstanding at the conclusion of your case with respect  
4 to mapping and the identification on the stand maps  
5 areas of operation, and this has nothing do with that?

6 MR. KENNEDY: Madam Chair, I would refer  
7 you specifically to Exhibit 2214 where we have reached  
8 an understanding with the Ministry of the Environment  
9 on the matter on which we will display information on  
10 the detailed maps that will describe which operations  
11 will occur where, we will be providing additional  
12 information on these silvicultural site types -- sorry,  
13 silvicultural ground rule site type information.

14 MS. GILLESPIE: Madam Chair, it is my  
15 understanding there hasn't been any further agreement  
16 reached with the Ministry of Natural Resources since  
17 the conclusion of MOE's evidence.

18 MR. MARTEL: Tomorrow could we start then  
19 with maybe a diagram or two, Mr. Kennedy, to indicate  
20 precisely what you are saying and how that differs with  
21 what MOE wants so that I can try to get in my own mind  
22 what the difference really is.

23 I think Mr. Bax was the one who was  
24 concerned that he couldn't trace back to the precise  
25 location where an activity was occurring. If you could

1 help me tomorrow I would appreciate that.

2 MR. KENNEDY: Mr. Martel, I believe that  
3 I am correct in saying that MNR and MOE do not disagree  
4 on the manner in which this type of information,  
5 silvicultural ground rule site type, will be portrayed  
6 on the maps.

7 It is correct to say, however, and your  
8 memory serves you well, that subsequent use of that  
9 information in record keeping for tracing information  
10 dealing with silvicultural effectiveness there remains  
11 a disagreement in the manner in which that information  
12 can be best put to use.

13 I can advise you that during subsequent  
14 panels, Panel 2 and Panel 3, I will be returning and we  
15 will be discussing our concerns with those proposals  
16 and I believe it would be appropriate to discuss those  
17 at that time.

18 However, unless Ms. Gillespie corrects me  
19 I believe we are not in disagreement with the mapping  
20 approach that I described to you this afternoon.

21 MS. GILLESPIE: I think that's correct,  
22 Madam Chair, that we are in agreement on the mapping  
23 approach and that Mr. Kennedy has fairly described the  
24 area in which we disagree.

25 We also intended to deal with the

1 silvicultural effectiveness issue in Panel 3. So we  
2 will be coming back to that issue.

3 MADAM CHAIR: All right. Thank you very  
4 much, witnesses. We will start tomorrow morning at  
5 8:30. Thank you.

6

7 ---Whereupon the hearing was adjourned at 4:10 p.m., to  
8 be reconvened on Tuesday, June 2, 1992 commencing at  
8:30 a.m.

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